

SECOND REGULAR SESSION

HOUSE BILL NO. 1939

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (63) (Sponsor), TALBOY, HUMMEL, ELLINGER, MAY, SWINGER, SHIVELY, TAYLOR, McCREERY, SCHUPP, McMANUS, OXFORD, McNEIL, PIERSON, NEWMAN, KIRKTON, NICHOLS, MORGAN, CASEY, McGEOGHEGAN, QUINN, HARRIS, KRATKY, SIFTON, CARLSON, McDONALD, SCHIEFFER, WALTON GRAY, STILL, WEBB, RIZZO, PACE, WEBBER, CONWAY (27), COLONA, NASHEED, BLACK, LAMPE, SWEARINGEN, FALLERT, MEADOWS, ANDERS, KELLY (24), BROWN (50), SPRENG, ATKINS, HOLSMAN AND CARTER (Co-sponsors).

6189L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.450, 105.456, 105.473, 105.478, 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 115.349, 115.635, 130.011, 130.021, 130.031, 130.036, 130.041, 130.044, 130.046, 130.057, and 130.071, RSMo, sections 105.456, 105.473, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.031, 130.041, 130.044, 130.046, 130.057, and 130.071, as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof twenty-seven new sections relating to ethics, with penalty provisions and an effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 105.450, 105.456, 105.473, 105.478, 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 115.349, 115.635, 130.011, 130.021, 130.031, 130.036, 130.041, 130.044, 130.046, 130.057, and 130.071, RSMo, sections 105.456, 105.473, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.031, 130.041, 130.044, 130.046, 130.057, and 130.071, as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 8.925, 105.450, 105.456, 105.465, 105.473, 105.478, 105.479, 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 115.349, 115.635, 130.011,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 130.021, 130.031, 130.032, 130.036, 130.041, 130.044, 130.046, 130.057, 130.071, and 1, to
11 read as follows:

8.925. No solicitation of expenditures, as defined in section 130.011, or fund-raising activities or fund-raising event, as defined in section 130.011, supporting or opposing any candidate, ballot measure, political party, or political party committee shall occur on any property or in any building owned or leased by the state or any political subdivision, unless the property or building is routinely used by and made available for rent or for a fee to all members of the public by the state or the political subdivision.

105.450. As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless the context clearly requires otherwise, the following terms mean:

(1) "Adversary proceeding", any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political subdivision; or an investigative proceeding initiated by an official, department, division, or agency which pertains to matters which, depending on the conclusion of the investigation, could lead to a judicial or administrative proceeding being initiated against the party by the official, department, division or agency;

(2) "Business entity", a corporation, association, firm, partnership, proprietorship, or business entity of any kind or character;

(3) "Business with which a person is associated":

(a) Any sole proprietorship owned by himself or herself, the person's spouse or any dependent child in the person's custody;

(b) Any partnership or joint venture in which the person or the person's spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the person is an officer or director or of which either the person or the person's spouse or dependent child in the person's custody whether singularly or collectively owns in excess of ten percent of the outstanding shares of any class of stock or partnership units; or

(c) Any trust in which the person is a trustee or settlor or in which the person or the person's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent or more of the corpus of the trust;

(4) "Commission", the Missouri ethics commission established in section 105.955;

(5) "Confidential information", all information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge;

31 (6) "Decision-making public servant", an official, appointee or employee of the offices
32 or entities delineated in paragraphs (a) through (h) of this subdivision who exercises supervisory
33 authority over the negotiation of contracts, or has the legal authority to adopt or vote on the
34 adoption of rules and regulations with the force of law or exercises primary supervisory
35 responsibility over purchasing decisions. The following officials or entities shall be responsible
36 for designating a decision-making public servant:

37 (a) The governing body of the political subdivision with a general operating budget in
38 excess of one million dollars;

39 (b) A department director;

40 (c) A judge vested with judicial power by article V of the Constitution of the state of
41 Missouri;

42 (d) Any commission empowered by interstate compact;

43 (e) A statewide elected official;

44 (f) The speaker of the house of representatives;

45 (g) The president pro tem of the senate;

46 (h) The president or chancellor of a state institution of higher education;

47 (7) "Dependent child" or "dependent child in the person's custody", all children,
48 stepchildren, foster children and wards under the age of eighteen residing in the person's
49 household and who receive in excess of fifty percent of their support from the person;

50 (8) **"Paid political consultant", a person who is paid to provide political consulting**
51 **services to promote the election of a certain candidate or the interest of a certain group,**
52 **including but not limited to, planning campaign strategies, coordinating campaign staff,**
53 **organizing meetings and public events to publicize the candidate or cause, conducting**
54 **public opinion polling, providing research on issues or opposition background,**
55 **coordinating, producing, or purchasing print or broadcast media, phone solicitation, fund**
56 **raising, and any other political activities;**

57 (9) "Political subdivision" shall include any political subdivision of the state, and any
58 special district or subdistrict;

59 [(9)] (10) "Public document", a state tax return or a document or other record maintained
60 for public inspection without limitation on the right of access to it and a document filed in a
61 juvenile court proceeding;

62 [(10)] (11) "Substantial interest", ownership by the individual, the individual's spouse,
63 or the individual's dependent children, whether singularly or collectively, directly or indirectly,
64 of ten percent or more of any business entity, or of an interest having a value of ten thousand
65 dollars or more, or the receipt by an individual, the individual's spouse or the individual's
66 dependent children, whether singularly or collectively, of a salary, gratuity, or other
67 compensation or remuneration of five thousand dollars, or more, per year from any individual,
68 partnership, organization, or association within any calendar year;

69 [(11)] (12) "Substantial personal or private interest in any measure, bill, order or
70 ordinance", any interest in a measure, bill, order or ordinance which results from a substantial
71 interest in a business entity.

105.456. 1. No member of the general assembly or the governor, lieutenant governor,
2 attorney general, secretary of state, state treasurer or state auditor shall:

3 (1) Perform any service for the state or any political subdivision of the state or any
4 agency of the state or any political subdivision thereof or act in his or her official capacity or
5 perform duties associated with his or her position for any person for any consideration other than
6 the compensation provided for the performance of his or her official duties; or

7 (2) Sell, rent or lease any property to the state or political subdivision thereof or any
8 agency of the state or any political subdivision thereof for consideration in excess of five hundred
9 dollars per transaction or one thousand five hundred dollars per annum unless the transaction is
10 made pursuant to an award on a contract let or sale made after public notice and in the case of
11 property other than real property, competitive bidding, provided that the bid or offer accepted
12 is the lowest received; or

13 (3) Attempt, for compensation other than the compensation provided for the performance
14 of his or her official duties, to influence the decision of any agency of the state on any matter,
15 except that this provision shall not be construed to prohibit such person from participating for
16 compensation in any adversary proceeding or in the preparation or filing of any public document
17 or conference thereon. The exception for a conference upon a public document shall not permit
18 any member of the general assembly or the governor, lieutenant governor, attorney general,
19 secretary of state, state treasurer or state auditor to receive any consideration for the purpose of
20 attempting to influence the decision of any agency of the state on behalf of any person with
21 regard to any application, bid or request for a state grant, loan, appropriation, contract, award,
22 permit other than matters involving a driver's license, or job before any state agency,
23 commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or
24 any other court rule or law to the contrary, other members of a firm, professional corporation or
25 partnership shall not be prohibited pursuant to this subdivision from representing a person or
26 other entity solely because a member of the firm, professional corporation or partnership serves
27 in the general assembly, provided that such official does not share directly in the compensation
28 earned, so far as the same may reasonably be accounted, for such activity by the firm or by any
29 other member of the firm. This subdivision shall not be construed to prohibit any inquiry for
30 information or the representation of a person without consideration before a state agency or in
31 a matter involving the state if no consideration is given, charged or promised in consequence
32 thereof.

33 2. No sole proprietorship, partnership, joint venture, or corporation in which a member
34 of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state
35 treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more

36 than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of
37 the outstanding shares of any class of stock, shall:

38 (1) Perform any service for the state or any political subdivision thereof or any agency
39 of the state or political subdivision for any consideration in excess of five hundred dollars per
40 transaction or one thousand five hundred dollars per annum unless the transaction is made
41 pursuant to an award on a contract let or sale made after public notice and competitive bidding,
42 provided that the bid or offer accepted is the lowest received; or

43 (2) Sell, rent, or lease any property to the state or any political subdivision thereof or any
44 agency of the state or political subdivision thereof for consideration in excess of five hundred
45 dollars per transaction or one thousand five hundred dollars per annum unless the transaction is
46 made pursuant to an award on a contract let or a sale made after public notice and in the case of
47 property other than real property, competitive bidding, provided that the bid or offer accepted
48 is the lowest and best received.

49 **3. No member of the general assembly shall accept or receive compensation of any**
50 **kind as a paid political consultant for another member of the general assembly, the**
51 **governor, lieutenant governor, attorney general, secretary of state, state treasurer, or state**
52 **auditor, or for any campaign committee, candidate committee, continuing committee,**
53 **exploratory committee, or political party committee as defined in chapter 130, nor shall**
54 **any spouse, dependent child, or parent accept or receive compensation of any kind on**
55 **behalf of a member of the general assembly who acts as a paid political consultant.**

56 **4. No member of the general assembly shall act, serve, or register as a legislative**
57 **lobbyist as defined in section 105.470 until after the first regular session of the Missouri**
58 **general assembly following the conclusion of the Missouri general assembly in which the**
59 **member last served.**

60 **5. No individual or business entity shall solicit a member of the general assembly**
61 **to become employed by that individual or business entity as a legislative lobbyist, as such**
62 **term is defined in section 150.470, or a paid political consultant, while such member is**
63 **holding office as a member of the general assembly. No member of the general assembly**
64 **shall solicit clients to represent as a legislative lobbyist.**

65 **6. Neither the governor nor any person acting on behalf of the governor shall make**
66 **any offer or promise to confer an appointment to any board, commission, committee,**
67 **council, county office, department directorship, fee office under section 136.055, judgeship,**
68 **or any other position, to any member of the general assembly in exchange for the member's**
69 **official vote on any public matter. Any person making such offer or promise is guilty of**
70 **the crime of bribery of a public servant under section 576.010.**

71 **7. Any member of the general assembly who accepts or agrees to accept an offer or**
72 **promise to confer an appointment to any board, commission, committee, council, county**
73 **office, department directorship, fee office under section 136.055, judgeship, or any other**

74 **position, from the governor or any person acting on behalf of the governor in exchange for**
75 **the member's official vote on any public matter, is guilty of the crime of acceding to**
76 **corruption under section 576.020.**

105.465. Notwithstanding section 105.478, any person who intentionally offers or
2 **accepts any item, service, or thing of value, including a contribution as defined in section**
3 **130.011, to any elected or appointed official or employee of the state or any political**
4 **subdivision in direct exchange for voting in favor of, voting against, or engaging in any**
5 **legislative, executive, or judicial course of action designed to benefit, delay, or hinder the**
6 **passage or failure of any specific state legislation, rule, or regulation, or any specific local**
7 **legislation, order, ordinance, rule, or regulation, shall be guilty of a class D felony.**

105.473. 1. Each lobbyist shall, not later than January fifth of each year or five days
2 after beginning any activities as a lobbyist, file standardized registration forms, verified by a
3 written declaration that it is made under the penalties of perjury, along with a filing fee of ten
4 dollars, with the commission. The forms shall include the lobbyist's name and business address,
5 the name and address of all persons such lobbyist employs for lobbying purposes, the name and
6 address of each lobbyist principal by whom such lobbyist is employed or in whose interest such
7 lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which
8 shall be open to the public. Each lobbyist shall file an updating statement under oath within one
9 week of any addition, deletion, or change in the lobbyist's employment or representation. The
10 filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or
11 a lobbyist employing another person for lobbying purposes may notify the commission that a
12 judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the
13 lobbyist and should be removed from the commission's files.

14 2. Each person shall, before giving testimony before any committee of the general
15 assembly, give to the secretary of such committee such person's name and address and the
16 identity of any lobbyist or organization, if any, on whose behalf such person appears. A person
17 who is not a lobbyist as defined in section 105.470 shall not be required to give such person's
18 address if the committee determines that the giving of such address would endanger the person's
19 physical health.

20 3. (1) During any period of time in which a lobbyist continues to act as an executive
21 lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the
22 lobbyist shall file with the commission on standardized forms prescribed by the commission
23 monthly reports which shall be due at the close of business on the tenth day of the following
24 month;

25 (2) Each report filed pursuant to this subsection shall include a statement, verified by a
26 written declaration that it is made under the penalties of perjury, setting forth the following:

27 (a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on
28 behalf of all public officials, their staffs and employees, and their spouses and dependent

29 children, which expenditures shall be separated into at least the following categories by the
30 executive branch, judicial branch and legislative branch of government: printing and publication
31 expenses; media and other advertising expenses; travel; the time, venue, and nature of any
32 entertainment; honoraria; meals, food and beverages; and gifts;

33 (b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on
34 behalf of all elected local government officials, their staffs and employees, and their spouses and
35 children. Such expenditures shall be separated into at least the following categories: printing
36 and publication expenses; media and other advertising expenses; travel; the time, venue, and
37 nature of any entertainment; honoraria; meals; food and beverages; and gifts;

38 (c) An itemized listing of the name of the recipient and the nature and amount of each
39 expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of
40 value, for all expenditures made during any reporting period, paid or provided to or for a public
41 official or elected local government official, such official's staff, employees, spouse or dependent
42 children;

43 (d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions
44 and the identity of the group invited, the date, **location**, and description of the occasion and the
45 amount of the expenditure for each occasion when any of the following are invited in writing:

46 a. All members of the senate, **which may or may not include senate staff and**
47 **employees under the direct supervision of a state senator;**

48 b. All members of the house of representatives, **which may or may not include house**
49 **staff and employees under the direct supervision of a state representative;**

50 c. All members of a joint committee of the general assembly or a standing committee of
51 either the house of representatives or senate, **which may or may not include joint and standing**
52 **committee staff; [or]**

53 d. All members of a caucus of the majority party of the house of representatives, minority
54 party of the house of representatives, majority party of the senate, or minority party of the senate;

55 e. **All statewide officials, which may or may not include the staff and employees**
56 **under the direct supervision of the statewide official;**

57 (e) Any expenditure made on behalf of a public official, an elected local government
58 official or such official's staff, employees, spouse or dependent children, if such expenditure is
59 solicited by such official, the official's staff, employees, or spouse or dependent children, from
60 the lobbyist or his or her lobbyist principals and the name of such person or persons, except any
61 expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization
62 or other association formed to provide for good in the order of benevolence **and except for any**
63 **expenditure reported under paragraph (d) of this subdivision;**

64 (f) A statement detailing any direct business relationship or association or partnership
65 the lobbyist has with any public official or elected local government official. The reports

66 required by this subdivision shall cover the time periods since the filing of the last report or since
67 the lobbyist's employment or representation began, whichever is most recent.

68 4. No expenditure reported pursuant to this section shall include any amount expended
69 by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to
70 this section shall be valued on the report at the actual amount of the payment made, or the
71 charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the
72 lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures
73 of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of
74 such lobbyists. No expenditure shall be made on behalf of a state senator or state representative,
75 or such public official's staff, employees, spouse, or dependent children for travel or lodging
76 outside the state of Missouri unless such travel or lodging was approved prior to the date of the
77 expenditure by the administration and accounts committee of the house or the administration
78 committee of the senate.

79 5. Any lobbyist principal shall provide in a timely fashion whatever information is
80 reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by
81 this section.

82 6. **The lobbyist or lobbyist principal shall maintain accurate records and accounts**
83 **of lobbyist expenditures as defined in subdivision (3) of section 105.470 on a current basis.**
84 **All records and accounts of receipts and expenditures for elected officials shall be**
85 **preserved for at least three years after the date of the expenditure to which the record**
86 **pertains. The records shall be available for inspection by the ethics commission and its**
87 **duly authorized representatives upon an investigation by the ethics commission.**

88 7. All information required to be filed pursuant to the provisions of this section with the
89 commission shall be kept available by the executive director of the commission at all times open
90 to the public for inspection and copying for a reasonable fee for a period of five years from the
91 date when such information was filed.

92 [7.] 8. No person shall knowingly employ any person who is required to register as a
93 registered lobbyist but is not registered pursuant to this section. Any person who knowingly
94 violates this subsection shall be subject to a civil penalty in an amount of not more than ten
95 thousand dollars for each violation. Such civil penalties shall be collected by action filed by the
96 commission.

97 [8.] 9. No lobbyist shall knowingly omit, conceal, or falsify in any manner information
98 required pursuant to this section.

99 [9.] 10. The prosecuting attorney of Cole County shall be reimbursed only out of funds
100 specifically appropriated by the general assembly for investigations and prosecutions for
101 violations of this section.

102 [10.] 11. Any public official or other person whose name appears in any lobbyist report
103 filed pursuant to this section who contests the accuracy of the portion of the report applicable to

such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

[11.] 12. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any elected local government official on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

[12.] 13. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed. This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

[13.] 14. The provisions of this section shall supersede any contradicting ordinances or charter provisions.

105.478. 1. Any person guilty of knowingly violating any of the provisions of sections 105.450 to 105.498 shall be punished as follows:

(1) For the first offense, such person is guilty of a class B misdemeanor;

(2) For the second and subsequent offenses, such person is guilty of a class D felony.

2. Any person who engages in lobbyist activities as defined in section 105.470 and who knowingly fails to register as a lobbyist is guilty of violating this subsection. Any violation of this subsection shall be punishable as follows:

(1) For the first violation, the person shall be guilty of a class B misdemeanor;

(2) For the second and subsequent violations, the person shall be guilty of a class

D felony.

105.479. 1. No member of the general assembly or the member's staff, employees, spouse, or dependent child shall accept or receive cumulative expenditures from lobbyists in excess of one thousand dollars per calendar year per member, including expenditures to the member's staff, employees, spouse, or dependent child, as expenditure is defined in subdivision (3) of section 105.470, but excluding any expenditure as described in paragraph (d) of subdivision (2) of subsection 3 of section 105.473. If the report provided to a member of the general assembly under subsection 12 of section 105.473 indicates that the member

8 **has exceeded the limit established in this section, the member shall have sixty days from**
9 **the first day of the next calendar month after receipt of the report to reimburse the amount**
10 **that exceeds the limit to the lobbyist or lobbyists that made the expenditures.**

11 **2. The commission shall enforce violations of this section through action of the**
12 **commission upon receiving a complaint filed with the commission or conducting an**
13 **investigation under section 105.959.**

105.487. The financial interest statements shall be filed at the following times, but no
2 person is required to file more than one financial interest statement in any calendar year:

3 (1) Each candidate for elective office, except those candidates for county committee of
4 a political party pursuant to section 115.609 or section 115.611, who is required to file a personal
5 financial disclosure statement shall file a financial interest statement no later than fourteen days
6 after the close of filing at which the candidate seeks nomination or election, and the statement
7 shall be for the [twelve months prior to the closing date] **previous calendar year ending the**
8 **immediately preceding December thirty-first**, except that in the event an individual does not
9 become a candidate until after the date of certification for candidates, the statement shall be filed
10 within fourteen days of the individual's nomination by caucus. An individual required to file a
11 financial interest statement because of the individual's candidacy for office prior to a primary
12 election in accordance with this section is also required to amend such statement no later than
13 the close of business on Monday prior to the general election to reflect any changes in financial
14 interest during the interim. The appropriate election authority shall provide to the candidate at
15 the time of filing for [election] **office** written notice of the candidate's obligation to file pursuant
16 to sections 105.483 to 105.492 and the candidate shall sign a statement acknowledging receipt
17 of such notice;

18 (2) Each person appointed to office, except any person elected for county committee of
19 a political party pursuant to section 115.617, and each official or employee described in section
20 105.483 who is not otherwise covered in this subsection shall file the statement within thirty days
21 of such appointment or employment, **and the statement shall be for the previous calendar**
22 **year ending the immediately preceding December thirty-first;**

23 (3) Every other person required by sections 105.483 to 105.492 to file a financial interest
24 statement shall file the statement annually not later than the first day of May and the statement
25 shall cover the calendar year ending the immediately preceding December thirty-first; provided
26 that the governor, lieutenant governor, any member of the general assembly or any member of
27 the governing body of a political subdivision may supplement such person's financial interest
28 statement to report additional interests acquired after December thirty-first of the covered year
29 until the date of filing of the financial interest statement;

30 (4) The deadline for filing any statement required by sections 105.483 to 105.492 shall
31 be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing falls
32 on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00

33 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any statement
34 required within a specified time shall be deemed to be timely filed if it is postmarked not later
35 than midnight of the day [previous to the last day] designated for filing the statement.

105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six members, is
2 hereby established. The commission shall be assigned to the office of administration with
3 supervision by the office of administration only for budgeting and reporting as provided by
4 subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974.
5 Supervision by the office of administration shall not extend to matters relating to policies,
6 regulative functions or appeals from decisions of the commission, and the commissioner of
7 administration, any employee of the office of administration, or the governor, either directly or
8 indirectly, shall not participate or interfere with the activities of the commission in any manner
9 not specifically provided by law and shall not in any manner interfere with the budget request
10 of or withhold any moneys appropriated to the commission by the general assembly. All
11 members of the commission shall be appointed by the governor with the advice and consent of
12 the senate from lists submitted pursuant to this section. Each congressional district committee
13 of the political parties having the two highest number of votes cast for their candidate for
14 governor at the last gubernatorial election shall submit two names of eligible nominees for
15 membership on the commission to the governor, and the governor shall select six members from
16 such nominees to serve on the commission.

17 2. Within thirty days of submission of the person's name to the governor as provided in
18 subsection 1 of this section, and in order to be an eligible nominee for appointment to the
19 commission, a person shall file a financial interest statement in the manner provided by section
20 105.485 and shall provide the governor, the president pro tempore of the senate, and the
21 commission with a list of all political contributions and the name of the candidate or committee,
22 political party, or continuing committee, as defined in chapter 130, to which those contributions
23 were made within the four-year period prior to such appointment, made by the nominee, the
24 nominee's spouse, or any business entity in which the nominee has a substantial interest. The
25 information shall be maintained by the commission and available for public inspection during
26 the period of time during which the appointee is a member of the commission. In order to be an
27 eligible nominee for membership on the commission, a person shall be a citizen and a resident
28 of the state and shall have been a registered voter in the state for a period of at least five years
29 preceding the person's appointment.

30 3. The term of each member shall be for four years, except that of the members first
31 appointed, the governor shall select three members from even-numbered congressional districts
32 and three members from odd-numbered districts. Not more than three members of the
33 commission shall be members of the same political party, nor shall more than one member be
34 from any one United States congressional district. Not more than two members appointed from
35 the even-numbered congressional districts shall be members of the same political party, and no

36 more than two members from the odd-numbered congressional districts shall be members of the
37 same political party. Of the members first appointed, the terms of the members appointed from
38 the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the
39 members appointed from the even-numbered congressional districts shall expire on March 15,
40 1996. Thereafter all successor members of the commission shall be appointed for four-year
41 terms. Terms of successor members of the commission shall expire on March fifteenth of the
42 fourth year of their term. No member of the commission shall serve on the commission after the
43 expiration of the member's term **except that a member's term may be extended one time for**
44 **up to one hundred twenty days if there are vacancies on the commission.** No person shall
45 be appointed to more than one full four-year term on the commission **plus one term extension**
46 **of one hundred twenty days.**

47 4. Vacancies or expired terms on the commission shall be filled in the same manner as
48 the original appointment was made, except as provided in this subsection. Within thirty days of
49 the vacancy or ninety days before the expiration of the term, the names of two eligible nominees
50 for membership on the commission shall be submitted to the governor by the congressional
51 district committees of the political party or parties of the vacating member or members, from the
52 even- or odd-numbered congressional districts, based on the residence of the vacating member
53 or members, other than from the congressional district committees from districts then represented
54 on the commission and from the same congressional district party committee or committees
55 which originally appointed the member or members whose positions are vacated. Appointments
56 to fill vacancies or expired terms shall be made within forty-five days after the deadline for
57 submission of names by the congressional district committees, and shall be subject to the same
58 qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section.
59 Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired
60 term of the member whom the appointee succeeds, and such appointees shall be eligible for
61 appointment to one full four-year term. If the congressional district committee does not submit
62 the required two nominees within the thirty days or if the congressional district committee does
63 not submit the two nominees within an additional thirty days after receiving notice from the
64 governor to submit the nominees, then the governor may appoint a person or persons who shall
65 be subject to the same qualifications for appointment and eligibility as provided in subsections
66 2 and 3 of this section.

67 5. The governor, with the advice and consent of the senate, may remove any member
68 only for substantial neglect of duty, inability to discharge the powers and duties of office, gross
69 misconduct or conviction of a felony or a crime involving moral turpitude. Members of the
70 commission also may be removed from office by concurrent resolution of the general assembly
71 signed by the governor. If such resolution receives the vote of two-thirds or more of the
72 membership of both houses of the general assembly, the signature of the governor shall not be
73 necessary to effect removal. The office of any member of the commission who moves from the

74 congressional district from which the member was appointed shall be deemed vacated upon such
75 change of residence.

76 6. The commission shall elect biennially one of its members as the chairman. The
77 chairman may not succeed himself or herself after two years. No member of the commission
78 shall succeed as chairman any member of the same political party as himself or herself. At least
79 four members are necessary to constitute a quorum, and at least four affirmative votes shall be
80 required for any action or recommendation of the commission.

81 7. No member or employee of the commission, during the person's term of service, shall
82 hold or be a candidate for any other public office.

83 8. In the event that a retired judge is appointed as a member of the commission, the judge
84 shall not serve as a special investigator while serving as a member of the commission.

85 9. No member of the commission shall, during the member's term of service or within
86 one year thereafter:

87 (1) Be employed by the state or any political subdivision of the state;

88 (2) Be employed as a lobbyist;

89 (3) Serve on any other governmental board or commission;

90 (4) Be an officer of any political party or political organization;

91 (5) Permit the person's name to be used, or make contributions, in support of or in
92 opposition to any candidate or proposition;

93 (6) Participate in any way in any election campaign; except that a member or employee
94 of the commission shall retain the right to register and vote in any election, to express the
95 person's opinion privately on political subjects or candidates, to participate in the activities of
96 a civic, community, social, labor or professional organization and to be a member of a political
97 party.

98 10. Each member of the commission shall receive, as full compensation for the member's
99 services, the sum of one hundred dollars per day for each full day actually spent on work of the
100 commission, and the member's actual and necessary expenses incurred in the performance of the
101 member's official duties.

102 11. The commission shall appoint an executive director who shall serve subject to the
103 supervision of and at the pleasure of the commission, but in no event for more than **[six] eight**
104 years. The executive director shall be responsible for the administrative operations of the
105 commission and perform such other duties as may be delegated or assigned to the director by law
106 or by rule of the commission. The executive director shall employ staff and retain such contract
107 services as the director deems necessary, within the limits authorized by appropriations by the
108 general assembly.

109 12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed
110 pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of
111 section 105.489, and campaign finance disclosure reports filed other than with election

112 authorities or local election authorities as provided by section 130.026, shall be filed with the
113 commission.

114 13. Within sixty days of the initial meeting of the first commission appointed, the
115 commission shall obtain from the clerk of the supreme court or the state courts administrator a
116 list of retired appellate and circuit court judges who did not leave the judiciary as a result of
117 being defeated in an election. The executive director shall determine those judges who indicate
118 their desire to serve as special investigators and to investigate any and all complaints referred to
119 them by the commission. The executive director shall maintain an updated list of those judges
120 qualified and available for appointment to serve as special investigators. Such list shall be
121 updated at least annually. The commission shall refer complaints to such special investigators
122 on that list on a rotating schedule which ensures a random assignment of each special
123 investigator. Each special investigator shall receive only one unrelated investigation at a time
124 and shall not be assigned to a second or subsequent investigation until all other eligible
125 investigators on the list have been assigned to an investigation. In the event that no special
126 investigator is qualified or available to conduct a particular investigation, the commission may
127 appoint a special investigator to conduct such particular investigation.

128 14. The commission shall have the following duties and responsibilities relevant to the
129 impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, as provided
130 in sections 105.955 to 105.963:

131 (1) Receive and review complaints regarding alleged violation of sections 105.450 to
132 105.496 and chapter 130, conduct initial reviews and investigations regarding such complaints
133 as provided herein; refer complaints to appropriate prosecuting authorities and appropriate
134 disciplinary authorities along with recommendations for sanctions; and initiate judicial
135 proceedings as allowed by sections 105.955 to 105.963;

136 (2) Review and ~~[audit]~~ **investigate** any reports and statements required by the campaign
137 finance disclosure laws contained in chapter 130, and financial interest disclosure laws or
138 lobbyist registration and reporting laws as provided by sections 105.470 to 105.492, for
139 timeliness, accuracy and completeness of content as provided in sections 105.955 to 105.963;

140 (3) **Conduct investigations as provided in subsection 2 of section 105.959;**

141 (4) Develop appropriate systems to file and maintain an index of all such reports and
142 statements to facilitate public access to such information, except as may be limited by
143 confidentiality requirements otherwise provided by law, including cross-checking of information
144 contained in such statements and reports. The commission may enter into contracts with the
145 appropriate filing officers to effectuate such system. Such filing officers shall cooperate as
146 necessary with the commission as reasonable and necessary to effectuate such purposes;

147 ~~[(4)]~~ (5) Provide information and assistance to lobbyists, elected and appointed officials,
148 and employees of the state and political subdivisions in carrying out the provisions of sections
149 105.450 to 105.496 and chapter 130;

150 [(5)] (6) Make recommendations to the governor and general assembly or any state
151 agency on the need for further legislation with respect to the ethical conduct of public officials
152 and employees and to advise state and local government in the development of local government
153 codes of ethics and methods of disclosing conflicts of interest as the commission may deem
154 appropriate to promote high ethical standards among all elected and appointed officials or
155 employees of the state or any political subdivision thereof and lobbyists;

156 [(6)] (7) Render advisory opinions as provided by this section;

157 [(7)] (8) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and
158 chapter 130. All rules and regulations issued by the commission shall be prospective only in
159 operation;

160 [(8)] (9) Request and receive from the officials and entities identified in subdivision (6)
161 of section 105.450 designations of decision-making public servants.

162 15. In connection with such powers provided by sections 105.955 to 105.963 and chapter
163 130 the commission may:

164 (1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be
165 served and enforced in the same manner provided by section 536.077, **except that during an**
166 **investigation, the commission may delegate the power to issue subpoenas to the executive**
167 **director;**

168 (2) Administer oaths and affirmations;

169 (3) Take evidence and require by subpoena duces tecum the production of books, papers,
170 and other records relating to any matter being investigated or to the performance of the
171 commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and
172 enforced in the same manner provided by section 536.077, **except that during an investigation,**
173 **the commission may delegate the power to issue subpoenas duces tecum to the executive**
174 **director;**

175 (4) Employ such personnel, including legal counsel, and contract for services including
176 legal counsel, within the limits of its appropriation, as it deems necessary provided such legal
177 counsel, either employed or contracted, represents the Missouri ethics commission before any
178 state agency or before the courts at the request of the Missouri ethics commission. Nothing in
179 this section shall limit the authority of the Missouri ethics commission as provided for in
180 subsection 2 of section 105.961; and

181 (5) Obtain information from any department, division or agency of the state or any
182 political subdivision reasonably calculated to lead to the discovery of evidence which will
183 reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to
184 105.963 and chapter 130.

185 16. (1) Upon written request for an advisory opinion received by the commission, and
186 if the commission determines that the person requesting the opinion would be directly affected
187 by the application of law to the facts presented by the requesting person, the commission shall

188 issue a written opinion advising the person who made the request, in response to the person's
189 particular request, regarding any issue that the commission can receive a complaint on pursuant
190 to section 105.957. The commission may decline to issue a written opinion by a vote of four
191 members and shall provide to the requesting person the reason for the refusal in writing. The
192 commission shall give an approximate time frame as to when the written opinion shall be issued.
193 Such advisory opinions shall be issued no later than ninety days from the date of receipt by the
194 commission. Such requests and advisory opinions, deleting the name and identity of the
195 requesting person, shall be compiled and published by the commission on at least an annual
196 basis. Advisory opinions issued by the commission shall be maintained and made available for
197 public inspection and copying at the office of the commission during normal business hours.
198 Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall
199 be withdrawn by the commission if, after hearing thereon, the joint committee on administrative
200 rules finds that such advisory opinion is beyond or contrary to the statutory authority of the
201 commission or is inconsistent with the legislative intent of any law enacted by the general
202 assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings
203 and conclusions of the joint committee on administrative rules. Any such concurrent resolution
204 adopted by the general assembly shall be published at length by the commission in its publication
205 of advisory opinions of the commission next following the adoption of such resolution, and a
206 copy of such concurrent resolution shall be maintained by the commission, along with the
207 withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also
208 send a copy of such resolution to the person who originally requested the withdrawn advisory
209 opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any
210 person requesting such opinion and no person shall be liable for relying on the opinion and it
211 shall act as a defense of justification against prosecution. An advisory opinion of the
212 commission shall not be withdrawn unless:

- 213 (a) The authorizing statute is declared unconstitutional;
 - 214 (b) The opinion goes beyond the power authorized by statute; or
 - 215 (c) The authorizing statute is changed to invalidate the opinion.
- 216 (2) Upon request, the attorney general shall give the attorney general's opinion, without
217 fee, to the commission, any elected official of the state or any political subdivision, any member
218 of the general assembly, or any director of any department, division or agency of the state, upon
219 any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter
220 130. Such opinion need be in writing only upon request of such official, member or director, and
221 in any event shall be rendered within sixty days [that] **after** such request is delivered to the
222 attorney general.

223 17. The state auditor and the state auditor's duly authorized employees who have taken
224 the oath of confidentiality required by section 29.070 may audit the commission and in
225 connection therewith may inspect materials relating to the functions of the commission. Such

226 audit shall include a determination of whether appropriations were spent within the intent of the
227 general assembly, but shall not extend to review of any file or document pertaining to any
228 particular investigation, audit or review by the commission, an investigator or any staff or person
229 employed by the commission or under the supervision of the commission or an investigator. The
230 state auditor and any employee of the state auditor shall not disclose the identity of any person
231 who is or was the subject of an investigation by the commission and whose identity is not public
232 information as provided by law.

233 18. From time to time but no more frequently than annually the commission may request
234 the officials and entities described in subdivision (6) of section 105.450 to identify for the
235 commission in writing those persons associated with such office or entity which such office or
236 entity has designated as a decision-making public servant. Each office or entity delineated in
237 subdivision (6) of section 105.450 receiving such a request shall identify those so designated
238 within thirty days of the commission's request.

105.957. 1. The commission shall receive any complaints alleging violation of the
2 provisions of:

3 (1) The requirements imposed on lobbyists by sections 105.470 to 105.478;

4 (2) The financial interest disclosure requirements contained in sections 105.483 to
5 105.492;

6 (3) The campaign finance disclosure requirements contained in chapter 130;

7 (4) Any code of conduct promulgated by any department, division or agency of state
8 government, or by state institutions of higher education, or by executive order;

9 (5) The conflict of interest laws contained in sections 105.450 to 105.468 and section
10 171.181; and

11 (6) The provisions of the constitution or state statute or order, ordinance or resolution
12 of any political subdivision relating to the official conduct of officials or employees of the state
13 and political subdivisions.

14 2. Complaints filed with the commission shall be in writing and filed only by a natural
15 person. The complaint shall contain all facts known by the complainant that have given rise to
16 the complaint and the complaint shall be sworn to, under penalty of perjury, by the complainant.
17 No complaint shall be investigated unless the complaint alleges facts which, if true, fall within
18 the jurisdiction of the commission. Within five days after receipt [of a complaint] by the
19 commission **of a complaint that is properly signed and notarized, and that alleges facts that,**
20 **if true, fall within the jurisdiction of the commission,** a copy of the complaint, including the
21 name of the complainant, shall be delivered to the alleged violator.

22 3. No complaint shall be investigated which concerns alleged criminal conduct which
23 allegedly occurred previous to the period of time allowed by law for criminal prosecution for
24 such conduct. The commission may refuse to investigate any conduct which is the subject of
25 civil or criminal litigation. The commission, its executive director or an investigator shall not

26 investigate any complaint concerning conduct which is not criminal in nature which occurred
27 more than two years prior to the date of the complaint. A complaint alleging misconduct on the
28 part of a candidate for public office, other than those alleging failure to file the appropriate
29 financial interest statements or campaign finance disclosure reports, shall not be accepted by the
30 commission within sixty days prior to the primary election at which such candidate is running
31 for office, and until after the general election.

32 4. If the commission finds that any complaint is frivolous in nature [or finds no probable
33 cause to believe that there has been a violation], the commission shall dismiss the case. For
34 purposes of this subsection, "frivolous" shall mean a complaint clearly lacking any basis in fact
35 or law. Any person who submits a frivolous complaint shall be liable for actual and
36 compensatory damages to the alleged violator for holding the alleged violator before the public
37 in a false light. If the commission finds that a complaint is frivolous [or that there is not probable
38 cause to believe there has been a violation], the commission shall issue a public report to the
39 complainant and the alleged violator stating with particularity its reasons for dismissal of the
40 complaint. Upon such issuance, the complaint and all materials relating to the complaint shall
41 be a public record as defined in chapter 610.

42 5. Complaints which allege violations as described in this section which are filed with
43 the commission shall be handled as provided by section 105.961.

105.959. 1. **(1)** The executive director of the commission, under the supervision of the
2 commission, shall review reports and statements **and records** filed with the commission or other
3 appropriate officers pursuant to sections 105.470, 105.483 to 105.492, and chapter 130, for
4 completeness, accuracy and timeliness of filing of the reports or statements[, and] **and any**
5 **records relating to the reports and statements. If, upon review, [if] the executive director**
6 **finds** there are reasonable grounds to believe that a violation has occurred, **the executive**
7 **director** shall conduct an [audit] **investigation** of such reports [and] , statements, **and records**
8 **and assign a special investigator under the provisions of subsection 1 of section 105.961.**
9 [All investigations by the executive director of an alleged violation shall be strictly confidential
10 with the exception of notification of the commission and the complainant or the person under
11 investigation. All investigations by the executive director shall be limited to the information
12 contained in the reports or statements. The commission shall notify the complainant or the
13 person under investigation, by registered mail, within five days of the decision to conduct such
14 investigation. Revealing any such confidential investigation information shall be cause for
15 removal or dismissal of the executive director or a commission member or employee.]

16 **(2) If an investigation conducted under this subsection fails to establish reasonable**
17 **grounds to believe that a violation has occurred, the investigation shall be terminated and**
18 **the person who had been under investigation shall be notified of the reasons for the**
19 **disposition of the investigation.**

20 2. (1) If there are reasonable grounds to believe that a violation has occurred and
21 after four members of the commission vote to proceed, the executive director shall, without
22 receipt of a complaint, conduct an independent investigation of any potential violations of
23 the provisions of:

- 24 (a) The requirements imposed on lobbyists by section 105.470 to 105.478;
- 25 (b) The financial interest disclosure requirements in sections 105.483 to 105.492;
- 26 (c) The campaign finance disclosure requirements in chapter 130;
- 27 (d) Any code of conduct promulgated by any department, division, or agency of the
28 state, or by state institutions of higher education, or by executive order;
- 29 (e) The conflict of interest laws in sections 105.450 to 105.468 and section 171.181;
- 30 and
- 31 (f) The provisions of the constitution or state statute or any order, ordinance, or
32 resolution of any political subdivision relating to the official conduct of officials or
33 employees of the state and political subdivisions.

34 (2) If an investigation conducted under this subsection fails to establish reasonable
35 grounds to believe that a violation has occurred, the investigation shall be terminated and
36 the person who had been under investigation shall be notified of the reasons for the
37 disposition of the complaint.

38 3. Upon findings of the appropriate filing officer which are reported to the commission
39 in accordance with the provisions of section 130.056, the executive director shall [audit]
40 investigate disclosure reports, statements and records pertaining to such findings within a
41 reasonable time after receipt of the reports from the appropriate filing officer.

42 [3. Upon a sworn written complaint of any natural person filed with the commission
43 pursuant to section 105.957, the commission shall audit and investigate alleged violations.
44 Within sixty days after receipt of a sworn written complaint alleging a violation, the executive
45 director shall notify the complainant in writing of the action, if any, the executive director has
46 taken and plans to take on the complaint. If an investigation conducted pursuant to this
47 subsection fails to establish reasonable grounds to believe that a violation has occurred, the
48 investigation shall be terminated and the complainant and the person who had been under
49 investigation shall be notified of the reasons for the disposition of the complaint.]

50 4. The commission shall notify the person under investigation under this section by
51 registered mail within five days of the decision to conduct such investigation and assign a
52 special investigator under the provisions of subsection 1 of section 105.961.

53 5. The commission may make such investigations and inspections within or outside of
54 this state as are necessary to determine compliance.

55 [5. If, during an audit or investigation, the commission determines that a formal
56 investigation is necessary, the commission shall assign the investigation to a special investigator
57 in the manner provided by subsection 1 of section 105.961.]

58 6. After completion of an [audit or] investigation, the executive director shall provide
59 a detailed report of such [audit or] investigation to the commission. Upon determination that
60 there are reasonable grounds to believe that a person has violated the requirements of sections
61 105.470, 105.483 to 105.492, or chapter 130, by a vote of four members of the commission, the
62 commission may refer the report with the recommendations of the commission to the appropriate
63 prosecuting authority together with [a copy of the audit and] the details of the investigation by
64 the commission as is provided in subsection 2 of section 105.961.

65 **7. All investigations by the executive director of an alleged violation shall be strictly**
66 **confidential with the exception of notification of the commission and the complainant or**
67 **the person under investigation. Revealing any such confidential investigation information**
68 **shall be cause for removal or dismissal of the executive director or a commission member**
69 **or employee.**

 105.961. 1. Upon receipt of a complaint as described by section 105.957 **or upon**
2 **notification by the commission of an investigation under subsection 4 of section 105.959,**
3 **the executive director on behalf of the** commission shall assign the complaint to a special
4 investigator, who may be a commission employee, who shall investigate and determine the
5 merits of the complaint **or investigation.** Within ten days of such assignment, the special
6 investigator shall review such complaint **or investigation** and disclose, in writing, to the
7 commission any conflict of interest which the special investigator has or might have with respect
8 to the investigation and subject thereof. Within [one hundred twenty] **ninety** days of receipt of
9 the complaint from the commission, the special investigator shall submit the special
10 investigator's report to the commission. The commission, after review of such report, shall
11 determine:

12 (1) That there is reasonable grounds for belief that a violation has occurred; or

13 (2) That there are no reasonable grounds for belief that a violation exists and the
14 complaint [should] **shall be dismissed or the investigation shall be terminated;** or

15 (3) That additional time is necessary to complete the investigation, and the status and
16 progress of the investigation to date. The commission, in its discretion, may allow the
17 investigation to proceed for additional successive periods of [one hundred twenty] **ninety** days
18 each, pending reports regarding the status and progress of the investigation at the end of each
19 such period.

20 2. When the commission concludes, based on the report from the special investigator,
21 or based on an [audit] **investigation** conducted pursuant to section 105.959, that there are
22 reasonable grounds to believe that a violation of any criminal law has occurred, and if the
23 commission believes that criminal prosecution would be appropriate upon a vote of four
24 members of the commission, the commission shall refer the report to the Missouri office of
25 prosecution services, prosecutors coordinators training council established in section 56.760,
26 which shall submit a panel of five attorneys for recommendation to the court having criminal

27 jurisdiction, for appointment of an attorney to serve as a special prosecutor; except that, the
28 attorney general of Missouri or any assistant attorney general shall not act as such special
29 prosecutor. The court shall then appoint from such panel a special prosecutor pursuant to section
30 56.110, who shall have all the powers provided by section 56.130. The court shall allow a
31 reasonable and necessary attorney's fee for the services of the special prosecutor. Such fee shall
32 be assessed as costs if a case is filed, or ordered by the court if no case is filed, and paid together
33 with all other costs in the proceeding by the state, in accordance with rules and regulations
34 promulgated by the state courts administrator, subject to funds appropriated to the office of
35 administration for such purposes. If the commission does not have sufficient funds to pay a
36 special prosecutor, the commission shall refer the case to the prosecutor or prosecutors having
37 criminal jurisdiction. If the prosecutor having criminal jurisdiction is not able to prosecute the
38 case due to a conflict of interest, the court may appoint a special prosecutor, paid from county
39 funds, upon appropriation by the county or the attorney general to investigate and, if appropriate,
40 prosecute the case. The special prosecutor or prosecutor shall commence an action based on the
41 report by the filing of an information or seeking an indictment within sixty days of the date of
42 such prosecutor's appointment, or shall file a written statement with the commission explaining
43 why criminal charges should not be sought. If the special prosecutor or prosecutor fails to take
44 either action required by this subsection, upon request of the commission, a new special
45 prosecutor, who may be the attorney general, shall be appointed. The report may also be referred
46 to the appropriate disciplinary authority over the person who is the subject of the report.

47 3. When the commission concludes, based on the report from the special investigator or
48 based on an [audit] **investigation** conducted pursuant to section 105.959, that there are
49 reasonable grounds to believe that a violation of any law has occurred which is not a violation
50 of criminal law or that criminal prosecution is not appropriate, the commission shall conduct a
51 hearing which shall be a closed meeting and not open to the public. The hearing shall be
52 conducted pursuant to the procedures provided by sections 536.063 to 536.090, and shall be
53 considered to be a contested case for purposes of such sections. The commission shall
54 determine, in its discretion, whether or not that there is probable cause that a violation has
55 occurred. If the commission determines, by a vote of at least four members of the commission,
56 that probable cause exists that a violation has occurred, the commission may refer its findings
57 and conclusions to the appropriate disciplinary authority over the person who is the subject of
58 the report, as described in subsection [7] 8 of this section. [After the commission determines by
59 a vote of at least four members of the commission that probable cause exists that a violation has
60 occurred, and the commission has referred the findings and conclusions to the appropriate
61 disciplinary authority over the person subject of the report, the subject of the report may appeal
62 the determination of the commission to the administrative hearing commission. Such appeal
63 shall stay the action of the Missouri ethics commission. Such appeal shall be filed not later than

64 the fourteenth day after the subject of the commission's action receives actual notice of the
65 commission's action.]

66 4. If the appropriate disciplinary authority receiving a report from the commission
67 pursuant to subsection 3 of this section fails to follow, within sixty days of the receipt of the
68 report, the recommendations contained in the report, or if the commission determines, by a vote
69 of at least four members of the commission that some action other than referral for criminal
70 prosecution or for action by the appropriate disciplinary authority would be appropriate, the
71 commission shall take any one or more of the following actions:

72 (1) Notify the person to cease and desist violation of any provision of law which the
73 report concludes was violated and that the commission may seek judicial enforcement of its
74 decision pursuant to subsection 5 of this section;

75 (2) Notify the person of the requirement to file, amend or correct any report, statement,
76 or other document or information required by sections 105.473, 105.483 to 105.492, or chapter
77 130, and that the commission may seek judicial enforcement of its decision pursuant to
78 subsection 5 of this section; and

79 (3) File the report with the executive director to be maintained as a public document; or

80 (4) Issue a letter of concern or letter of reprimand to the person, which would be
81 maintained as a public document; or

82 (5) Issue a letter that no further action shall be taken, which would be maintained as a
83 public document; or

84 (6) Through reconciliation agreements or [civil] action **of the commission**, the power
85 to seek fees for violations in an amount not greater than one thousand dollars or double the
86 amount involved in the violation.

87 5. Upon vote of at least four members, the commission may initiate formal judicial
88 proceedings **in the circuit court of Cole County** seeking to obtain any of the following orders:

89 (1) Cease and desist violation of any provision of sections 105.450 to 105.496, or chapter
90 130, or sections 105.955 to 105.963;

91 (2) Pay any civil penalties required by sections 105.450 to 105.496 or chapter 130;

92 (3) File any reports, statements, or other documents or information required by sections
93 105.450 to 105.496, or chapter 130; or

94 (4) Pay restitution for any unjust enrichment the violator obtained as a result of any
95 violation of any criminal statute as described in subsection 6 of this section. [The Missouri
96 ethics commission shall give actual notice to the subject of the complaint of the proposed action
97 as set out in this section. The subject of the complaint may appeal the action of the Missouri
98 ethics commission, other than a referral for criminal prosecution, to the administrative hearing
99 commission. Such appeal shall stay the action of the Missouri ethics commission. Such appeal
100 shall be filed no later than fourteen days after the subject of the commission's actions receives
101 actual notice of the commission's actions.]

6. After the commission determines by a vote of at least four members of the commission that a violation has occurred, other than a referral for criminal prosecution, and the commission has referred the findings and conclusions to the appropriate disciplinary authority over the person who is the subject of the report, or has taken an action under subsection 4 of this section, the subject of the report may appeal the determination of the commission to the circuit court of Cole County. Such appeal shall stay the action of the Missouri ethics commission. Such appeal shall be filed not later than the fourteenth day after the subject of the commission's action receives actual notice of the commission's action. If a petition for judicial review of a final order is not filed as provided in this section, or when an order for fees under subsection 4 of this section becomes final following an appeal to the circuit court of Cole County, the commission may file a certified copy of the final order with the circuit court of Cole County. The order so filed shall have the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

7. In the proceeding in circuit court of Cole County, the commission may seek restitution against any person who has obtained unjust enrichment as a result of violation of any provision of sections 105.450 to 105.496, or chapter 130, and may recover on behalf of the state or political subdivision with which the alleged violator is associated, damages in the amount of any unjust enrichment obtained and costs and attorney's fees as ordered by the court.

[7.] 8. The appropriate disciplinary authority to whom a report shall be sent pursuant to subsection 2 or 3 of this section shall include, but not be limited to, the following:

(1) In the case of a member of the general assembly, the ethics committee of the house of which the subject of the report is a member;

(2) In the case of a person holding an elective office or an appointive office of the state, if the alleged violation is an impeachable offense, the report shall be referred to the ethics committee of the house of representatives;

(3) In the case of a person holding an elective office of a political subdivision, the report shall be referred to the governing body of the political subdivision;

(4) In the case of any officer or employee of the state or of a political subdivision, the report shall be referred to the person who has immediate supervisory authority over the employment by the state or by the political subdivision of the subject of the report;

(5) In the case of a judge of a court of law, the report shall be referred to the commission on retirement, removal and discipline, or if the inquiry involves an employee of the judiciary to the applicable presiding judge;

(6) In the case of a person holding an appointive office of the state, if the alleged violation is not an impeachable offense, the report shall be referred to the governor;

(7) In the case of a statewide elected official, the report shall be referred to the attorney general;

(8) In a case involving the attorney general, the report shall be referred to the prosecuting attorney of Cole County.

[8.] 9. The special investigator having a complaint referred to the special investigator by the commission shall have the following powers:

(1) To request and shall be given access to information in the possession of any person or agency which the special investigator deems necessary for the discharge of the special investigator's responsibilities;

(2) To examine the records and documents of any person or agency, unless such examination would violate state or federal law providing for confidentiality;

(3) To administer oaths and affirmations;

(4) Upon refusal by any person to comply with a request for information relevant to an investigation, an investigator may issue a subpoena for any person to appear and give testimony, or for a subpoena duces tecum to produce documentary or other evidence which the investigator deems relevant to a matter under the investigator's inquiry. The subpoenas and subpoenas duces tecum may be enforced by applying to a judge of the circuit court of Cole County or any county where the person or entity that has been subpoenaed resides or may be found, for an order to show cause why the subpoena or subpoena duces tecum should not be enforced. The order and a copy of the application therefor shall be served in the same manner as a summons in a civil action, and if, after hearing, the court determines that the subpoena or subpoena duces tecum should be sustained and enforced, the court shall enforce the subpoena or subpoena duces tecum in the same manner as if it had been issued by the court in a civil action; and

(5) To request from the commission such investigative, clerical or other staff assistance or advancement of other expenses which are necessary and convenient for the proper completion of an investigation. Within the limits of appropriations to the commission, the commission may provide such assistance, whether by contract to obtain such assistance or from staff employed by the commission, or may advance such expenses.

[9.] 10. (1) Any retired judge may request in writing to have the judge's name removed from the list of special investigators subject to appointment by the commission or may request to disqualify himself or herself from any investigation. Such request shall include the reasons for seeking removal;

(2) By vote of four members of the commission, the commission may disqualify a judge from a particular investigation or may permanently remove the name of any retired judge from the list of special investigators subject to appointment by the commission.

[10.] 11. Any person who is the subject of any investigation pursuant to this section shall be entitled to be represented by counsel at any proceeding before the special investigator or the commission.

[11.] 12. The provisions of sections 105.957, 105.959 and 105.961 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for

178 any person, or any procedure provided for inquiry or investigation concerning any matter. The
179 provisions of this section shall not be construed to limit or affect any other remedy or right of
180 appeal or objection.

181 [12.] **13.** No person shall be required to make or file a complaint to the commission as
182 a prerequisite for exhausting the person's administrative remedies before pursuing any civil cause
183 of action allowed by law.

184 [13.] **14.** If, in the opinion of the commission, the complaining party was motivated by
185 malice or reason contrary to the spirit of any law on which such complaint was based, in filing
186 the complaint without just cause, this finding shall be reported to appropriate law enforcement
187 authorities. Any person who knowingly files a complaint without just cause, or with malice, is
188 guilty of a class A misdemeanor.

189 [14.] **15.** A respondent party who prevails in a formal judicial action brought by the
190 commission shall be awarded those reasonable fees and expenses incurred by that party in the
191 formal judicial action, unless the court finds that the position of the commission was
192 substantially justified or that special circumstances make such an award unjust.

193 [15.] **16.** The special investigator and members and staff of the commission shall
194 maintain confidentiality with respect to all matters concerning a complaint [until and if a report
195 is filed with the commission], with the exception of communications with any person which are
196 necessary to the investigation. [The report filed with the commission resulting from a complaint
197 acted upon under the provisions of this section shall not contain the name of the complainant or
198 other person providing information to the investigator, if so requested in writing by the
199 complainant or such other person.] Any person who violates the confidentiality requirements
200 imposed by this section or subsection 17 of section 105.955 required to be confidential is guilty
201 of a class A misdemeanor and shall be subject to removal from or termination of employment
202 by the commission.

203 [16.] **17.** Any judge of the court of appeals or circuit court who ceases to hold such office
204 by reason of the judge's retirement and who serves as a special investigator pursuant to this
205 section shall receive annual compensation, salary or retirement for such services at the rates of
206 compensation provided for senior judges by subsections 1, 2 and 4 of section 476.682. Such
207 retired judges shall by the tenth day of each month following any month in which the judge
208 provided services pursuant to this section certify to the commission and to the state courts
209 administrator the amount of time engaged in such services by hour or fraction thereof, the dates
210 thereof, and the expenses incurred and allowable pursuant to this section. The commission shall
211 then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent,
212 and within limitations, provided for in this section. The state treasurer upon receipt of such
213 warrant shall pay the same out of any appropriations made for this purpose on the last day of the
214 month during which the warrant was received by the state treasurer.

105.963. 1. The executive director shall assess every committee, as defined in section 130.011, failing to file with a filing officer other than a local election authority as provided by section 130.026, a campaign disclosure report **or statement of limited activity** as required by chapter 130, other than the report required pursuant to subdivision (1) of subsection 1 of section 130.046, a late filing fee of [ten] **fifty** dollars for each day after such report is due to the commission, **provided that the total amount of such fees assessed under this subsection per report shall not exceed three thousand dollars.** The executive director shall [mail] **send** a notice[, by registered mail,] to any candidate and the treasurer of any committee who fails to file such report **within seven business days of such failure to file** informing such person of such failure and the fees provided by this section. [If the candidate or treasurer of any committee persists in such failure for a period in excess of thirty days beyond receipt of such notice, the amount of the late filing fee shall increase to one hundred dollars for each day that the report is not filed, provided that the total amount of such fees assessed pursuant to this subsection per report shall not exceed three thousand dollars.]

2. [(1)] Any [candidate for state or local office who] **committee that** fails to file a campaign disclosure report required pursuant to subdivision (1) of subsection 1 of section 130.046, other than a report required to be filed with a local election authority as provided by section 130.026, shall be assessed by the executive director a late filing fee of one hundred dollars for each day that the report is not filed, [until the first day after the date of the election. After such election date, the amount of such late filing fee shall accrue at the rate of ten dollars per day that such report remains unfiled, except as provided in subdivision (2) of this subsection.

(2)] **provided that the total amount of such fees assessed under this subsection per report shall not exceed three thousand dollars.** The executive director shall [mail] **send** a notice[, by certified mail or other means to give actual notice,] to any candidate **and the treasurer of any committee** who fails to file the report described in [subdivision (1) of] this subsection **within seven business days of such failure to file** informing such person of such failure and the fees provided by this section. [If the candidate persists in such failure for a period in excess of thirty days beyond receipt of such notice, the amount of the late filing fee shall increase to one hundred dollars for each day that the report is not filed, provided that the total amount of such fees assessed pursuant to this subsection per report shall not exceed six thousand dollars.]

3. The executive director shall assess every person required to file a financial interest statement pursuant to sections 105.483 to 105.492 failing to file such a financial interest statement with the commission a late filing fee of ten dollars for each day after such statement is due to the commission. The executive director shall [mail] **send** a notice[, by certified mail,] to any person who fails to file such statement informing the individual required to file of such failure and the fees provided by this section. If the person persists in such failure for a period in excess of thirty days beyond receipt of such notice, the amount of the late filing fee shall

39 increase to one hundred dollars for each day thereafter that the statement is late, provided that
40 the total amount of such fees assessed pursuant to this subsection per statement shall not exceed
41 six thousand dollars.

42 4. Any person assessed a late filing fee may seek review of such assessment or the
43 amount of late filing fees assessed, at the person's option, by filing a petition within fourteen days
44 after receiving [actual] notice of assessment with [the administrative hearing commission, or
45 without exhausting the person's administrative remedies may seek review of such issues with]
46 the circuit court of Cole County.

47 5. The executive director of the Missouri ethics commission shall collect such late filing
48 fees as are provided for in this section. Unpaid late filing fees shall be collected by action filed
49 by the commission. The commission shall contract with the appropriate entity to collect such
50 late filing fees after a thirty-day delinquency. If not collected within one hundred twenty days,
51 the Missouri ethics commission shall file a petition in Cole County circuit court to seek a
52 judgment on said fees. **After obtaining a judgment for the unpaid late filing fees, the**
53 **commission or any entity contracted by the commission may proceed to collect the**
54 **judgment in any manner authorized by law, including but not limited to garnishment of**
55 **and execution against the committee's official depository account as set forth in subsection**
56 **4 of section 130.021 after a thirty-day delinquency.** All late filing fees collected pursuant to
57 this section shall be transmitted to the state treasurer and deposited to the general revenue fund.

58 6. The late filing fees provided by this section shall be in addition to any penalty
59 provided by law for violations of sections 105.483 to 105.492 or chapter 130.

60 7. If any **lobbyist fails to file a lobbyist report in a timely manner and that lobbyist**
61 **is assessed a late fee, or if any individual who is required to file a personal financial**
62 **disclosure statement fails to file such disclosure statement in a timely manner and is**
63 **assessed a late fee, or if any candidate or the treasurer of any committee** fails to file a
64 campaign disclosure report **or a statement of limited activity** in a timely manner and that
65 candidate **or treasurer of any committee who fails to file a disclosure statement in a timely**
66 **manner and** is assessed a late filing fee, the **lobbyist, individual,** candidate, [candidate
67 committee treasurer or assistant treasurer] **or the treasurer of any committee** may file an appeal
68 of the assessment of the late filing fee with the commission. The commission may forgive the
69 assessment of the late filing fee upon a showing of good cause. Such appeal shall be filed within
70 ten days of the receipt of notice of the assessment of the late filing fee.

105.966. 1. [Except as provided in subsection 2 of this section,] The ethics commission
2 shall complete and make determinations pursuant to subsection 1 of section 105.961 on all
3 complaint investigations[, except those complaint investigations assigned to a retired judge,]
4 within ninety days of initiation.

5 2. [The commission may file a petition in the Cole County circuit court to request an
6 additional ninety days for investigation upon proving by a preponderance of the evidence that

7 additional time is needed. Upon filing the petition, the ninety-day period shall be tolled until the
8 court determines whether additional time is needed.

9 3. The hearing shall be held in camera before the Cole County circuit court and all
10 records of the proceedings shall be closed.

11 4. The provisions of this section shall apply to all ongoing complaint investigations on
12 July 13, 1999.

13 5.] Any complaint investigation not completed and decided upon by the ethics
14 commission within the time allowed by this section shall be deemed to not have been a violation.

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections
2 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless
3 the candidate has filed a written declaration of candidacy in the office of the appropriate election
4 official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

5 2. No declaration of candidacy for nomination in a primary election shall be accepted
6 for filing prior to 8:00 a.m. on the last Tuesday in February immediately preceding the primary
7 election.

8 3. Each declaration of candidacy for nomination in a primary election shall state the
9 candidate's full name, residence address, office for which such candidate proposes to be a
10 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated and
11 elected he or she will qualify. The declaration shall be in substantially the following form:

12 I,, a resident and registered voter of the county of and the state of
13 Missouri, residing at, do announce myself a candidate for the office of on the party
14 ticket, to be voted for at the primary election to be held on the day of, ..., and I further
15 declare that if nominated and elected to such office I will qualify.

16

17 **I further declare that I am not a feigned candidate in order to conceal the candidacy of**
18 **another or to divide the opposition. I acknowledge that my signature hereon may subject**
19 **me to criminal prosecution and disciplinary action under the laws of this state if it is found**
20 **by the ethics commission that I am a feigned candidate.**

21 Subscribed and sworn to
22 Signature of candidate before me this day
23 of,

24
25 Residence address Signature of election
26 official or other officer
27 authorized to administer
28 oaths

29
30 Mailing address (if different)

31
32 Telephone Number (Optional)

33

34 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate
35 before an official authorized to accept his or her declaration of candidacy. If the declaration is
36 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall
37 be subscribed and sworn to by the candidate before a notary public or other officer authorized
38 by law to administer oaths.

115.635. The following offenses, and any others specifically so described by law, shall
2 be class three election offenses and are deemed misdemeanors connected with the exercise of
3 the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment
4 of not more than one year or by fine of not more than two thousand five hundred dollars, or by
5 both such imprisonment and fine:

6 (1) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring to
7 procure, any money or valuable consideration, office, or place of employment, to or for any
8 voter, to or for any person on behalf of any voter, or to or for any person, in order to induce any
9 voter to vote or refrain from voting or corruptly doing any such act on account of such voter
10 having already voted or refrained from voting at any election;

11 (2) Making use of, or threatening to make use of, any force, violence, or restraint, or
12 inflicting or threatening to inflict any injury, damage, harm or loss upon or against any person,
13 in order to induce or compel such person to vote or refrain from voting at any election;

14 (3) Impeding or preventing, or attempting to impede or prevent, by abduction, duress or
15 any fraudulent device or contrivance, the free exercise of the franchise of any voter or, by
16 abduction, duress, or any fraudulent device, compelling, inducing, or prevailing upon any voter
17 to vote or refrain from voting at any election;

18 (4) Giving, or making an agreement to give, any money, property, right in action, or
19 other gratuity or reward, in consideration of any grant or deputation of office;

20 (5) Bringing into this state any nonresident person with intent that such person shall vote
21 at an election without possessing the requisite qualifications;

22 (6) Asking for, receiving, or taking any money or other reward by way of gift, loan, or
23 other device or agreeing or contracting for any money, gift, office, employment, or other reward,
24 for giving, or refraining from giving, his or her vote in any election;

25 (7) Removing, destroying or altering any supplies or information placed in or near a
26 voting booth for the purpose of enabling a voter to prepare his or her ballot;

27 (8) Entering a voting booth or compartment except as specifically authorized by law;

28 (9) On the part of any election official, challenger, watcher or person assisting a person
29 to vote, revealing or disclosing any information as to how any voter may have voted, indicated
30 that the person had voted except as authorized by this chapter, indicated an intent to vote or

31 offered to vote, except to a grand jury or pursuant to a lawful subpoena in a court proceeding
32 relating to an election offense;

33 (10) On the part of any registration or election official, refusing to permit any person to
34 register to vote or to vote when such official knows the person is legally entitled to register or
35 legally entitled to vote;

36 (11) Attempting to commit or participating in an attempt to commit any class one or
37 class two election offense;

38 **(12) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring**
39 **to procure any money or valuable consideration with the intent of inducing any person to**
40 **run for any such office in this state if the person has a name that is identical or similar to**
41 **another candidate for the same elective public office and would not otherwise run for**
42 **elective public office but for the inducement. Campaign donations made in accordance**
43 **with the laws of this state shall not be construed to be an inducement to run for elective**
44 **public office under this subdivision.**

130.011. As used in this chapter, unless the context clearly indicates otherwise, the
2 following terms mean:

3 (1) "Appropriate officer" or "appropriate officers", the person or persons designated in
4 section 130.026 to receive certain required statements and reports;

5 (2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted
6 to qualified voters for their approval or rejection, including any proposal submitted by initiative
7 petition, referendum petition, or by the general assembly or any local governmental body having
8 authority to refer proposals to the voter;

9 (3) "Candidate", an individual who seeks nomination or election to public office. The
10 term "candidate" includes an elected officeholder who is the subject of a recall election, an
11 individual who seeks nomination by the individual's political party for election to public office,
12 an individual standing for retention in an election to an office to which the individual was
13 previously appointed, an individual who seeks nomination or election whether or not the specific
14 elective public office to be sought has been finally determined by such individual at the time the
15 individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an
16 individual who is a write-in candidate as defined in subdivision (28) of this section. A candidate
17 shall be deemed to seek nomination or election when the person first:

18 (a) Receives contributions or makes expenditures or reserves space or facilities with
19 intent to promote the person's candidacy for office; or

20 (b) Knows or has reason to know that contributions are being received or expenditures
21 are being made or space or facilities are being reserved with the intent to promote the person's
22 candidacy for office; except that, such individual shall not be deemed a candidate if the person
23 files a statement with the appropriate officer within five days after learning of the receipt of
24 contributions, the making of expenditures, or the reservation of space or facilities disavowing

25 the candidacy and stating that the person will not accept nomination or take office if elected;
26 provided that, if the election at which such individual is supported as a candidate is to take place
27 within five days after the person's learning of the above-specified activities, the individual shall
28 file the statement disavowing the candidacy within one day; or

29 (c) Announces or files a declaration of candidacy for office;

30 (4) "Cash", currency, coin, United States postage stamps, or any negotiable instrument
31 which can be transferred from one person to another person without the signature or endorsement
32 of the transferor;

33 (5) "Check", a check drawn on a state or federal bank, or a draft on a negotiable order
34 of withdrawal account in a savings and loan association or a share draft account in a credit union;

35 (6) "Closing date", the date through which a statement or report is required to be
36 complete;

37 (7) "Committee", a person or any combination of persons, who accepts contributions or
38 makes expenditures for the primary or incidental purpose of influencing or attempting to
39 influence the action of voters for or against the nomination or election to public office of one or
40 more candidates or the qualification, passage or defeat of any ballot measure or for the purpose
41 of paying a previously incurred campaign debt or obligation of a candidate or the debts or
42 obligations of a committee or for the purpose of contributing funds to another committee:

43 (a) "Committee", does not include:

44 a. A person or combination of persons, if neither the aggregate of expenditures made nor
45 the aggregate of contributions received during a calendar year exceeds five hundred dollars and
46 if no single contributor has contributed more than two hundred fifty dollars of such aggregate
47 contributions;

48 b. An individual, other than a candidate, who accepts no contributions and who deals
49 only with the individual's own funds or property;

50 c. A corporation, cooperative association, partnership, proprietorship, or joint venture
51 organized or operated for a primary or principal purpose other than that of influencing or
52 attempting to influence the action of voters for or against the nomination or election to public
53 office of one or more candidates or the qualification, passage or defeat of any ballot measure, and
54 it accepts no contributions, and all expenditures it makes are from its own funds or property
55 obtained in the usual course of business or in any commercial or other transaction and which are
56 not contributions as defined by subdivision (12) of this section;

57 d. A labor organization organized or operated for a primary or principal purpose other
58 than that of influencing or attempting to influence the action of voters for or against the
59 nomination or election to public office of one or more candidates, or the qualification, passage,
60 or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the
61 organization are from its own funds or property received from membership dues or membership
62 fees which were given or solicited for the purpose of supporting the normal and usual activities

63 and functions of the organization and which are not contributions as defined by subdivision (12)
64 of this section;

65 e. A person who acts as an authorized agent for a committee in soliciting or receiving
66 contributions or in making expenditures or incurring indebtedness on behalf of the committee
67 if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable,
68 an accurate account of each receipt or other transaction in the detail required by the treasurer to
69 comply with all record-keeping and reporting requirements of this chapter;

70 f. Any department, agency, board, institution or other entity of the state or any of its
71 subdivisions or any officer or employee thereof, acting in the person's official capacity;

72 (b) The term "committee" includes, but is not limited to, each of the following
73 committees: campaign committee, candidate committee, continuing committee, **exploratory**
74 **committee**, and political party committee;

75 (8) "Campaign committee", a committee, other than a candidate committee, which shall
76 be formed by an individual or group of individuals to receive contributions or make expenditures
77 and whose sole purpose is to support or oppose the qualification and passage of one or more
78 particular ballot measures in an election or the retention of judges under the nonpartisan court
79 plan[, such committee shall be formed no later than thirty days prior to the election for which the
80 committee receives contributions or makes expenditures, and which shall terminate the later of
81 either thirty days after the general election or upon the satisfaction of all committee debt after
82 the general election, except that no committee retiring debt shall engage in any other activities
83 in support of a measure for which the committee was formed];

84 (9) "Candidate committee", a committee which shall be formed by a candidate to receive
85 contributions or make expenditures [in] **on** behalf of the person's candidacy [and which shall
86 continue in existence for use by an elected candidate or which shall terminate the later of either
87 thirty days after the general election for a candidate who was not elected or upon the satisfaction
88 of all committee debt after the election, except that no committee retiring debt shall engage in
89 any other activities in support of the candidate for which the committee was formed]. Any
90 candidate for elective office shall have only one candidate committee for the elective office
91 sought, which is controlled directly by the candidate for the purpose of making expenditures.
92 A candidate committee is presumed to be under the control and direction of the candidate unless
93 the candidate files an affidavit with the appropriate officer stating that the committee is acting
94 without control or direction on the candidate's part;

95 (10) "Continuing committee", a committee of continuing existence [which is not formed,
96 controlled or directed by a candidate], and is a committee other than a candidate committee or
97 campaign committee, whose primary or incidental purpose is to receive contributions or make
98 expenditures to influence or attempt to influence the action of voters whether or not a particular
99 candidate or candidates or a particular ballot measure or measures to be supported or opposed
100 has been determined at the time the committee is required to file any statement or report pursuant

101 to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any
102 committee organized or sponsored by a business entity, a labor organization, a professional
103 association, a trade or business association, a club or other organization and whose primary
104 purpose is to solicit, accept and use contributions from the members, employees or stockholders
105 of such entity and any individual or group of individuals who accept and use contributions to
106 influence or attempt to influence the action of voters[. Such committee shall be formed no later
107 than sixty days prior to the election for which the committee receives contributions or makes
108 expenditures];

109 (11) "Connected organization", any organization such as a corporation, a labor
110 organization, a membership organization, a cooperative, or trade or professional association
111 which expends funds or provides services or facilities to establish, administer or maintain a
112 committee or to solicit contributions to a committee from its members, officers, directors,
113 employees or security holders. An organization shall be deemed to be the connected
114 organization if more than fifty percent of the persons making contributions to the committee
115 during the current calendar year are members, officers, directors, employees or security holders
116 of such organization or their spouses;

117 (12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or
118 anything of value for the purpose of supporting or opposing the nomination or election of any
119 candidate for public office or the qualification, passage or defeat of any ballot measure, or for
120 the support of any committee supporting or opposing candidates or ballot measures or for paying
121 debts or obligations of any candidate or committee previously incurred for the above purposes.
122 A contribution of anything of value shall be deemed to have a money value equivalent to the fair
123 market value. "Contribution" includes, but is not limited to:

124 (a) A candidate's own money or property used in support of the person's candidacy other
125 than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the
126 filing for public office;

127 (b) Payment by any person, other than a candidate or committee, to compensate another
128 person for services rendered to that candidate or committee;

129 (c) Receipts from the sale of goods and services, including the sale of advertising space
130 in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets
131 or political merchandise;

132 (d) Receipts from fund-raising events including testimonial affairs;

133 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other
134 obligation by a third party, or payment of a loan or debt or other obligation by a third party if the
135 loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in
136 an election campaign or used or intended for the payment of such debts or obligations of a
137 candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee;

(i) "Contribution" does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(13) "County", any one of the several counties of this state or the city of St. Louis;

(14) "Disclosure report", an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed;

(15) "Election", any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(16) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure

176 or for the support of any committee which in turn supports or opposes any candidate or ballot
177 measure or for the purpose of paying a previously incurred campaign debt or obligation of a
178 candidate or the debts or obligations of a committee; a payment, or an agreement or promise to
179 pay, money or anything of value, including a candidate's own money or property, for the
180 purchase of goods, services, property, facilities or anything of value for the purpose of supporting
181 or opposing the nomination or election of any candidate for public office or the qualification or
182 passage of any ballot measure or for the support of any committee which in turn supports or
183 opposes any candidate or ballot measure or for the purpose of paying a previously incurred
184 campaign debt or obligation of a candidate or the debts or obligations of a committee. An
185 expenditure of anything of value shall be deemed to have a money value equivalent to the fair
186 market value. "Expenditure" includes, but is not limited to:

187 (a) Payment by anyone other than a committee for services of another person rendered
188 to such committee;

189 (b) The purchase of tickets, goods, services or political merchandise in connection with
190 any testimonial affair or fund-raising event of or for candidates or committees, or the purchase
191 of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

192 (c) The transfer of funds by one committee to another committee;

193 (d) The direct or indirect payment by any person, other than a connected organization
194 for a committee, of the costs of establishing, administering or maintaining a committee,
195 including legal, accounting and computer services, fund raising and solicitation of contributions
196 for a committee; but

197 (e) "Expenditure" does not include:

198 a. Any news story, commentary or editorial which is broadcast or published by any
199 broadcasting station, newspaper, magazine or other periodical without charge to the candidate
200 or to any person supporting or opposing a candidate or ballot measure;

201 b. The internal dissemination by any membership organization, proprietorship, labor
202 organization, corporation, association or other entity of information advocating the election or
203 defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to
204 its directors, officers, members, employees or security holders, provided that the cost incurred
205 is reported pursuant to subsection 2 of section 130.051;

206 c. Repayment of a loan, but such repayment shall be indicated in required reports;

207 d. The rendering of voluntary personal services by an individual of the sort commonly
208 performed by volunteer campaign workers and the payment by such individual of the individual's
209 necessary and ordinary personal expenses incidental to such volunteer activity, provided no
210 compensation is, directly or indirectly, asked or given;

211 e. The costs incurred by any connected organization listed pursuant to subdivision (4)
212 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee,
213 or for the solicitation of contributions to a committee which solicitation is solely directed or

214 related to the members, officers, directors, employees or security holders of the connected
215 organization;

216 f. The use of a candidate's own money or property for expense of the candidate's personal
217 food, lodging, travel, and payment of any fee necessary to the filing for public office, if such
218 expense is not reimbursed to the candidate from any source;

219 (17) "Exploratory [committees] **committee**", a committee which shall be formed by an
220 individual to receive contributions and make expenditures on behalf of this individual in
221 determining whether or not the individual seeks elective office. Such committee shall terminate
222 no later than December thirty-first of the year prior to the general election for the possible office;

223 (18) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee,
224 testimonial, rally, auction or similar affair through which contributions are solicited or received
225 by such means as the purchase of tickets, payment of attendance fees, donations for prizes or
226 through the purchase of goods, services or political merchandise;

227 (19) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a
228 form other than money;

229 (20) "Labor organization", any organization of any kind, or any agency or employee
230 representation committee or plan, in which employees participate and which exists for the
231 purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes,
232 wages, rates of pay, hours of employment, or conditions of work;

233 (21) "Loan", a transfer of money, property or anything of ascertainable monetary value
234 in exchange for an obligation, conditional or not, to repay in whole or in part and which was
235 contracted, used, or intended for use in an election campaign, or which was made or received by
236 a committee or which was contracted, used, or intended to pay previously incurred campaign
237 debts or obligations of a candidate or the debts or obligations of a committee;

238 (22) "Person", an individual, group of individuals, corporation, partnership, committee,
239 proprietorship, joint venture, any department, agency, board, institution or other entity of the
240 state or any of its political subdivisions, union, labor organization, trade or professional or
241 business association, association, political party or any executive committee thereof, or any other
242 club or organization however constituted or any officer or employee of such entity acting in the
243 person's official capacity;

244 (23) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry,
245 literature, or other items sold or distributed at a fund-raising event or to the general public for
246 publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for
247 nomination or election or in supporting or opposing the qualification, passage or defeat of a
248 ballot measure;

249 (24) "Political party", a political party which has the right under law to have the names
250 of its candidates listed on the ballot in a general election;

251 (25) "Political party committee", a state, **congressional** district, **or** county[, city, or area]
252 **continuing** committee of a political party, as [defined] **authorized** in section 115.603, which
253 may be organized as a not-for-profit corporation under Missouri law, and which committee is
254 of continuing existence, and has the primary or incidental purpose of receiving contributions and
255 making expenditures to influence or attempt to influence the action of voters on behalf of the
256 political party;

257 (26) "Public office" or "office", any state, judicial, county, municipal, school or other
258 district, ward, township, or other political subdivision office or any political party office which
259 is filled by a vote of registered voters;

260 (27) "Regular session", includes that period beginning on the first Wednesday after the
261 first Monday in January and ending following the first Friday after the second Monday in May;

262 (28) "Write-in candidate", an individual whose name is not printed on the ballot but who
263 otherwise meets the definition of candidate in subdivision (3) of this section.

130.021. 1. Every committee shall have a treasurer who, except as provided in
2 subsection 10 of this section, shall be a resident of this state and reside in the district or county
3 in which the committee sits. A committee may also have a deputy treasurer who, except as
4 provided in subsection 10 of this section, shall be a resident of this state and reside in the district
5 or county in which the committee sits, to serve in the capacity of committee treasurer in the event
6 the committee treasurer is unable for any reason to perform the treasurer's duties.

7 2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed
8 a statement of exemption pursuant to that subsection and every candidate for offices listed in
9 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and
10 disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee
11 and appoint a treasurer. Thereafter, all contributions on hand and all further contributions
12 received by such candidate and any of the candidate's own funds to be used in support of the
13 person's candidacy shall be deposited in a candidate committee depository account established
14 pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made
15 through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing
16 in this chapter shall prevent a candidate from appointing himself or herself as a committee of one
17 and serving as the person's own treasurer, maintaining the candidate's own records and filing all
18 the reports and statements required to be filed by the treasurer of a candidate committee.

19 3. [A candidate who has more than one candidate committee supporting the person's
20 candidacy shall designate one of those candidate committees as the committee responsible for
21 consolidating the aggregate contributions to all such committees under the candidate's control
22 and direction as required by section 130.041] **No person shall form a new committee or serve**
23 **as a treasurer or deputy treasurer of any committee as defined in section 130.011 until the**
24 **person or the treasurer of any committee previously formed by the person or where the**
25 **person served as treasurer or deputy treasurer has filed all required campaign disclosure**

26 **reports or statements of limited activity for all prior elections and paid outstanding**
27 **previously imposed fees assessed against that person by the ethics commission. No**
28 **candidate shall form, control, or direct a continuing committee as defined in section**
29 **130.011.**

30 4. (1) Every committee shall have a single official fund depository within this state
31 which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan
32 association, or a federally or state-chartered credit union in which the committee shall open and
33 thereafter maintain at least one official depository account in its own name. An "official
34 depository account" shall be a checking account or some type of negotiable draft or negotiable
35 order of withdrawal account, and the official fund depository shall, regarding an official
36 depository account, be a type of financial institution which provides a record of deposits,
37 canceled checks or other canceled instruments of withdrawal evidencing each transaction by
38 maintaining copies within this state of such instruments and other transactions. All contributions
39 which the committee receives in money, checks and other negotiable instruments shall be
40 deposited in a committee's official depository account. Contributions shall not be accepted and
41 expenditures shall not be made by a committee except by or through an official depository
42 account and the committee treasurer, deputy treasurer or candidate. Contributions received by
43 a committee shall not be commingled with any funds of an agent of the committee, a candidate
44 or any other person, except that contributions from a candidate of the candidate's own funds to
45 the person's candidate committee shall be deposited to an official depository account of the
46 person's candidate committee. No expenditure shall be made by a committee when the office
47 of committee treasurer is vacant except that when the office of a candidate committee treasurer
48 is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

49 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a
50 committee's official depository account and deposit such funds in one or more savings accounts
51 in the committee's name in any bank, savings and loan association or credit union within this
52 state, and may also withdraw funds from an official depository account for investment in the
53 committee's name in any certificate of deposit, bond or security. Proceeds from interest or
54 dividends from a savings account or other investment or proceeds from withdrawals from a
55 savings account or from the sale of an investment shall not be expended or reinvested, except
56 in the case of renewals of certificates of deposit, without first redepositing such proceeds in an
57 official depository account. Investments, other than savings accounts, held outside the
58 committee's official depository account at any time during a reporting period shall be disclosed
59 by description, amount, any identifying numbers and the name and address of any institution or
60 person in which or through which it is held in an attachment to disclosure reports the committee
61 is required to file. Proceeds from an investment such as interest or dividends or proceeds from
62 its sale, shall be reported by date and amount. In the case of the sale of an investment, the
63 names and addresses of the persons involved in the transaction shall also be stated. Funds held

64 in savings accounts and investments, including interest earned, shall be included in the report of
65 money on hand as required by section 130.041.

66 5. The treasurer or deputy treasurer acting on behalf of any person or organization or
67 group of persons which is a committee by virtue of the definitions of committee in section
68 130.011 and any candidate who is not excluded from forming a committee in accordance with
69 the provisions of section 130.016 shall file a statement of organization with the appropriate
70 officer within twenty days after the person or organization becomes a committee but no later than
71 [the date for filing the first report required pursuant to the provisions of section 130.046] **thirty**
72 **days prior to the election for which the committee receives contributions or makes**
73 **expenditures, except that a continuing committee shall file a statement of organization with**
74 **the appropriate officer no later than sixty days prior to the election for which the**
75 **committee receives contributions or makes expenditures.** The statement of organization shall
76 contain the following information:

77 (1) The name, mailing address and telephone number, if any, of the committee filing the
78 statement of organization. If the committee is deemed to be affiliated with a connected
79 organization as provided in subdivision (11) of section 130.011, the name of the connected
80 organization, or a legally registered fictitious name which reasonably identifies the connected
81 organization, shall appear in the name of the committee. If the committee is a candidate
82 committee, the name of the candidate shall be a part of the committee's name;

83 (2) The name, mailing address and telephone number of the candidate;

84 (3) The name, mailing address and telephone number of the committee treasurer, and the
85 name, mailing address and telephone number of its deputy treasurer if the committee has named
86 a deputy treasurer;

87 (4) The names, mailing addresses and titles of its officers, if any;

88 (5) The name and mailing address of any connected organizations with which the
89 committee is affiliated;

90 (6) The name and mailing address of its depository, and the name and account number
91 of each account the committee has in the depository. The account number of each account shall
92 be redacted prior to disclosing the statement to the public;

93 (7) Identification of the major nature of the committee such as a candidate committee,
94 campaign committee, continuing committee, political party committee, incumbent committee,
95 or any other committee according to the definition of committee in section 130.011;

96 (8) [In the case of the candidate committee designated in subsection 3 of this section, the
97 full name and address of each other candidate committee which is under the control and direction
98 of the same candidate, together with the name, address and telephone number of the treasurer of
99 each such other committee;

100 (9)] The name and office sought of each candidate supported or opposed by the
101 committee;

102 [(10)] (9) The ballot measure concerned, if any, and whether the committee is in favor
103 of or opposed to such measure.

104 6. A committee may omit the information required in subdivisions [(9)] (8) and [(10)]
105 (9) of subsection 5 of this section if, on the date on which it is required to file a statement of
106 organization, the committee has not yet determined the particular candidates or particular ballot
107 measures it will support or oppose. **A committee shall file an amended statement of**
108 **organization within twenty-four hours of determining the particular candidates it will**
109 **support or oppose, determining the particular ballot measures it will support or oppose,**
110 **receiving a contribution, or incurring an expenditure.**

111 7. A committee which has filed a statement of organization and has not terminated shall
112 not be required to file another statement of organization, except that when there is a change in
113 any of the information previously reported as required by subdivisions (1) to [(8)] (7) of
114 subsection 5 of this section an amended statement of organization shall be filed within twenty
115 days after the change occurs, but no later than the date of the filing of the next report required
116 to be filed by that committee by section 130.046.

117 8. **A campaign committee shall terminate either thirty days after the general**
118 **election or upon the satisfaction of all committee debt after the general election, whichever**
119 **is later, except that no committee retiring debt shall engage in any other activities in**
120 **support of a measure for which the committee was formed. A candidate committee shall**
121 **continue in existence for use by an elected candidate or shall terminate on the later of**
122 **either thirty days after the general election for a candidate who was not elected or upon the**
123 **satisfaction of all committee debt after the election, except that no committee retiring debt**
124 **shall engage in any activities in support of the candidate for which the committee was**
125 **formed.** Upon termination of a committee, a termination statement indicating dissolution shall
126 be filed not later than ten days after the date of dissolution with the appropriate officer or officers
127 with whom the committee's statement of organization was filed. The termination statement shall
128 include: the distribution made of any remaining surplus funds and the disposition of any deficits;
129 and the name, mailing address and telephone number of the individual responsible for preserving
130 the committee's records and accounts as required in section 130.036.

131 9. Any statement required by this section shall be signed and attested by the committee
132 treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

133 10. A committee domiciled outside this state shall be required to file a statement of
134 organization and appoint a treasurer residing in this state and open an account in a depository
135 within this state; provided that either of the following conditions prevails:

136 (1) The aggregate of all contributions received from persons domiciled in this state
137 exceeds twenty percent in total dollar amount of all funds received by the committee in the
138 preceding twelve months; or

(2) The aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in this state exceeds one thousand five hundred dollars in the current calendar year.

11. If a committee domiciled in this state receives a contribution of one thousand five hundred dollars or more from any committee domiciled outside of this state, the committee domiciled in this state shall file a disclosure report with the commission. The report shall disclose the full name, mailing address, telephone numbers and domicile of the contributing committee and the date and amount of the contribution. The report shall be filed within forty-eight hours of the receipt of such contribution if the contribution is received after the last reporting date before the election.

12. Each legislative and senatorial district committee shall retain only one address in the district it sits for the purpose of receiving contributions.

130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

26 4. No anonymous contribution of more than twenty-five dollars shall be made by any
27 person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any
28 candidate or committee. If any anonymous contribution of more than twenty-five dollars is
29 received, it shall be returned immediately to the contributor, if the contributor's identity can be
30 ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee
31 treasurer or deputy treasurer shall immediately transmit that portion of the contribution which
32 exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

33 5. The maximum aggregate amount of anonymous contributions which shall be accepted
34 in any calendar year by any committee shall be the greater of five hundred dollars or one percent
35 of the aggregate amount of all contributions received by that committee in the same calendar
36 year. If any anonymous contribution is received which causes the aggregate total of anonymous
37 contributions to exceed the foregoing limitation, it shall be returned immediately to the
38 contributor, if the contributor's identity can be ascertained, and, if the contributor's identity
39 cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately
40 transmit the anonymous contribution to the state treasurer to escheat to the state.

41 6. Notwithstanding the provisions of subsection 5 of this section, contributions from
42 individuals whose names and addresses cannot be ascertained which are received from a
43 fund-raising activity or event, such as defined in section 130.011, shall not be deemed
44 anonymous contributions, provided the following conditions are met:

45 (1) There are twenty-five or more contributing participants in the activity or event;

46 (2) The candidate, committee treasurer, deputy treasurer or the person responsible for
47 conducting the activity or event makes an announcement that it is illegal for anyone to make or
48 receive a contribution in excess of one hundred dollars unless the contribution is accompanied
49 by the name and address of the contributor;

50 (3) The person responsible for conducting the activity or event does not knowingly
51 accept payment from any single person of more than one hundred dollars unless the name and
52 address of the person making such payment is obtained and recorded pursuant to the
53 record-keeping requirements of section 130.036;

54 (4) A statement describing the event shall be prepared by the candidate or the treasurer
55 of the committee for whom the funds were raised or by the person responsible for conducting the
56 activity or event and attached to the disclosure report of contributions and expenditures required
57 by section 130.041. The following information to be listed in the statement is in addition to, not
58 in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of
59 contributions and expenditures:

60 (a) The name and mailing address of the person or persons responsible for conducting
61 the event or activity and the name and address of the candidate or committee for whom the funds
62 were raised;

63 (b) The date on which the event occurred;

64 (c) The name and address of the location where the event occurred and the approximate
65 number of participants in the event;

66 (d) A brief description of the type of event and the fund-raising methods used;

67 (e) The gross receipts from the event and a listing of the expenditures incident to the
68 event;

69 (f) The total dollar amount of contributions received from the event from participants
70 whose names and addresses were not obtained with such contributions and an explanation of
71 why it was not possible to obtain the names and addresses of such participants;

72 (g) The total dollar amount of contributions received from contributing participants in
73 the event who are identified by name and address in the records required to be maintained
74 pursuant to section 130.036.

75 7. No candidate or committee in this state shall accept contributions from any
76 out-of-state committee unless the out-of-state committee from whom the contributions are
77 received has filed a statement of organization pursuant to section 130.021 or has filed the reports
78 required by sections 130.049 and 130.050, whichever is applicable to that committee.

79 8. Any person publishing, circulating, or distributing any printed matter relative to any
80 candidate for public office or any ballot measure shall on the face of the printed matter identify
81 in a clear and conspicuous manner the person who paid for the printed matter with the words
82 "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For
83 the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular,
84 handbill, sample ballot, advertisement, including advertisements in any newspaper or other
85 periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered
86 material; but "printed matter" is defined to exclude materials printed and purchased prior to May
87 20, 1982, if the candidate or committee can document that delivery took place prior to May 20,
88 1982; any sign personally printed and constructed by an individual without compensation from
89 any other person and displayed at that individual's place of residence or on that individual's
90 personal motor vehicle; any items of personal use given away or sold, such as campaign buttons,
91 pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a
92 candidate or committee which supports a candidate or supports or opposes a ballot measure and
93 which is obvious in its identification with a specific candidate or committee and is reported as
94 required by this chapter; and any news story, commentary, or editorial printed by a regularly
95 published newspaper or other periodical without charge to a candidate, committee or any other
96 person.

97 (1) In regard to any printed matter paid for by a candidate from the candidate's personal
98 funds, it shall be sufficient identification to print the first and last name by which the candidate
99 is known.

100 (2) In regard to any printed matter paid for by a committee, it shall be sufficient
101 identification to print the name of the committee as required to be registered by subsection 5 of

102 section 130.021 and the name and title of the committee treasurer who was serving when the
103 printed matter was paid for.

104 (3) In regard to any printed matter paid for by a corporation or other business entity,
105 labor organization, or any other organization not defined to be a committee by subdivision (7)
106 of section 130.011 and not organized especially for influencing one or more elections, it shall
107 be sufficient identification to print the name of the entity, the name of the principal officer of the
108 entity, by whatever title known, and the mailing address of the entity, or if the entity has no
109 mailing address, the mailing address of the principal officer.

110 (4) In regard to any printed matter paid for by an individual or individuals, it shall be
111 sufficient identification to print the name of the individual or individuals and the respective
112 mailing address or addresses, except that if more than five individuals join in paying for printed
113 matter it shall be sufficient identification to print the words "For a list of other sponsors contact:"
114 followed by the name and address of one such individual responsible for causing the matter to
115 be printed, and the individual identified shall maintain a record of the names and amounts paid
116 by other individuals and shall make such record available for review upon the request of any
117 person. No person shall accept for publication or printing nor shall such work be completed until
118 the printed matter is properly identified as required by this subsection.

119 9. Any broadcast station transmitting any matter relative to any candidate for public
120 office or ballot measure as defined by this chapter shall identify the sponsor of such matter as
121 required by federal law.

122 10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for
123 elective federal office, provided that persons causing matter to be printed or broadcast
124 concerning such candidacies shall comply with the requirements of federal law for identification
125 of the sponsor or sponsors.

126 11. It shall be a violation of this chapter for any person required to be identified as
127 paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter
128 pursuant to subsection 9 of this section to refuse to provide the information required or to
129 purposely provide false, misleading, or incomplete information.

130 12. It shall be a violation of this chapter for any committee to offer chances to win prizes
131 or money to persons to encourage such persons to endorse, send election material by mail,
132 deliver election material in person or contact persons at their homes; except that, the provisions
133 of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

134 **13. (1) Except as provided in subdivision (2) of this subsection, no committee shall**
135 **transfer any funds received by the committee to any other committee. Any violation of this**
136 **subdivision shall be punishable as follows:**

137 **(a) For the first violation, the ethics commission shall notify such person that the**
138 **transfer to the committee is prohibited under this section within five days of determining**
139 **that the transfer is prohibited, and that such person shall notify the committee to which the**

140 funds were transferred that the funds must be returned within ten days of such
141 notification;

142 (b) For the second violation, the person transferring the funds shall be subject to
143 a civil penalty in the amount of one thousand dollars;

144 (c) For the third and subsequent violations, the treasurer or deputy treasurer
145 transferring the funds shall be subject to a civil penalty in the amount of five thousand
146 dollars, and shall vacate the position of treasurer or deputy treasurer for all committees
147 and be forever barred from acting as a treasurer or deputy treasurer for any committee.

148 (2) The prohibition in this subsection shall not apply to:

149 (a) Any transfer of funds from any committee to a campaign committee;

150 (b) Any transfer of funds from any committee to a candidate committee, including
151 but not limited to a transfer of funds from a candidate committee to a candidate
152 committee;

153 (c) Any transfer of funds from a candidate committee to a continuing committee;

154

155 unless the funds were transferred with the intent to conceal the identity of the actual source
156 of the funds.

157 (3) Any treasurer or deputy treasurer who transfers or attempts to transfer funds
158 from a committee to any other committee with the intent to conceal the identity of the
159 actual source of the funds shall be subject to a civil penalty in the amount of five thousand
160 dollars, and shall vacate the position of treasurer or deputy treasurer for all committees
161 and be forever barred from acting as a treasurer or deputy treasurer for any committee.

162 14. The prohibited committee transfers described in subsection 13 of this section
163 shall not apply to the following committees:

164 (1) The state house committee per political party designated by the respective
165 majority or minority floor leader of the house of representatives or the chair of the state
166 party if the party does not have majority or minority party status;

167 (2) The state senate committee per political party designated by the respective
168 majority or minority floor leader of the senate or the chair of the state party if the party
169 does not have majority or minority party status.

130.032. 1. In addition to the limitations imposed under section 130.031, the
2 amount of contributions made by or accepted from any person other than the candidate
3 in any one election shall not exceed the following:

4 (1) To elect an individual to the office of governor, lieutenant governor, secretary
5 of state, state treasurer, state auditor, or attorney general, five thousand dollars;

6 (2) To elect an individual to the office of state senator or state representative, five
7 thousand dollars;

8 **(3) To elect an individual to any other office, including judicial office, five thousand**
9 **dollars.**

10 **2. Contributions from persons under fourteen years of age shall be considered**
11 **made by the parents or guardians of such person and shall be attributed toward any**
12 **contribution limits prescribed in this chapter. Where the contributor under fourteen years**
13 **of age has two custodial parents or guardians, fifty percent of the contribution shall be**
14 **attributed to each parent or guardian, and where such contributor has one custodial**
15 **parent or guardian, all such contributions shall be attributed to the custodial parent or**
16 **guardian.**

130.036. 1. The candidate, treasurer or deputy treasurer of a committee shall maintain
2 accurate records and accounts on a current basis. The records and accounts shall be maintained
3 in accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts,
4 deposit records, canceled checks and other detailed information necessary to prepare and
5 substantiate any statement or report required to be filed pursuant to this chapter. Every person
6 who acts as an agent for a committee in receiving contributions, making expenditures or
7 incurring indebtedness for the committee shall, on request of that committee's treasurer, deputy
8 treasurer or candidate, but in any event within five days after any such action, render to the
9 candidate, committee treasurer or deputy treasurer a detailed account thereof, including names,
10 addresses, dates, exact amounts and any other details required by the candidate, treasurer or
11 deputy treasurer to comply with this chapter. Notwithstanding the provisions of subsection 4 of
12 section 130.021 prohibiting commingling of funds, an individual, trade or professional
13 association, business entity, or labor organization which acts as an agent for a committee in
14 receiving contributions may deposit contributions received on behalf of the committee to the
15 agent's account within a financial institution within this state, for purposes of facilitating
16 transmittal of the contributions to the candidate, committee treasurer or deputy treasurer. Such
17 contributions shall not be held in the agent's account for more than five days after the date the
18 contribution was received by the agent, and shall not be transferred to the account of any other
19 agent or person, other than the committee treasurer.

20 2. Unless a contribution is rejected by the candidate or committee and returned to the
21 donor or transmitted to the state treasurer within ten business days after its receipt, it shall be
22 considered received and accepted on the date received, notwithstanding the fact that it was not
23 deposited by the closing date of a reporting period.

24 3. Notwithstanding the provisions of section 130.041 that only contributors of more than
25 one hundred dollars shall be reported by name and address for all committees, the committee's
26 records shall contain a listing of each contribution received by the committee, including those
27 accepted and those which are rejected and either returned to the donor or transmitted to the state
28 treasurer. Each contribution, regardless of the amount, shall be recorded by date received, name
29 and address of the contributor and the amount of the contribution, except that any contributions

30 from unidentifiable persons which are received through fund-raising activities and events as
31 permitted in subsection 6 of section 130.031 shall be recorded to show the dates and amounts
32 of all such contributions received together with information contained in statements required by
33 subsection 6 of section 130.031. The procedure for recording contributions shall be of a type
34 which enables the candidate, committee treasurer or deputy treasurer to maintain a continuing
35 total of all contributions received from any one contributor.

36 4. Notwithstanding the provisions of section 130.041 that certain expenditures need not
37 be identified in reports by name and address of the payee, the committee's records shall include
38 a listing of each expenditure made and each contract, promise or agreement to make an
39 expenditure, showing the date and amount of each transaction, the name and address of the
40 person to whom the expenditure was made or promised, and the purpose of each expenditure
41 made or promised.

42 5. In the case of a committee which makes expenditures for both the support or
43 opposition of any candidate and the passage or defeat of a ballot measure, the committee
44 treasurer shall maintain records segregated according to each candidate or measure for which the
45 expenditures were made.

46 6. Records shall indicate which transactions, either contributions received or
47 expenditures made, were cash transactions or in-kind transactions.

48 7. Any candidate who, pursuant to section 130.016, is exempt from the requirements to
49 form a committee shall maintain records of each contribution received or expenditure made in
50 support of his candidacy. Any other person or combination of persons who, although not deemed
51 to be a committee according to the definition of the term "committee" in section 130.011, accepts
52 contributions or makes expenditures, other than direct contributions from the person's own funds,
53 for the purpose of supporting or opposing the election or defeat of any candidate or for the
54 purpose of supporting or opposing the qualifications, passage or defeat of any ballot measure
55 shall maintain records of each contribution received or expenditure made. The records shall
56 include name, address and amount pertaining to each contribution received or expenditure made
57 and any bills, receipts, canceled checks or other documents relating to each transaction.

58 8. All records and accounts of receipts and expenditures shall be preserved for at least
59 three years after the date of the election to which the records pertain. Records and accounts
60 regarding supplemental disclosure reports or reports not required pursuant to an election shall
61 be preserved for at least three years after the date of the report to which the records pertain. Such
62 records shall be available for inspection by the [campaign finance review board] **Missouri ethics**
63 **commission** and its duly authorized representatives.

130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if
2 applicable, treasurer or deputy treasurer of every committee which is required to file a statement
3 of organization, shall file a legibly printed or typed disclosure report of receipts and
4 expenditures. The reports shall be filed with the appropriate officer designated in section

5 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in
6 sections 130.049 and 130.050, each report shall set forth:

7 (1) The full name, as required in the statement of organization pursuant to subsection 5
8 of section 130.021, and mailing address of the committee filing the report and the full name,
9 mailing address and telephone number of the committee's treasurer and deputy treasurer if the
10 committee has named a deputy treasurer;

11 (2) The amount of money, including cash on hand at the beginning of the reporting
12 period;

13 (3) Receipts for the period, including:

14 (a) Total amount of all monetary contributions received which can be identified in the
15 committee's records by name and address of each contributor. In addition, the candidate
16 committee shall make a reasonable effort to obtain and report the employer, or occupation if
17 self-employed or notation of retirement, of each person from whom the committee received one
18 or more contributions which in the aggregate total in excess of one hundred dollars and shall
19 make a reasonable effort to obtain and report a description of any contractual relationship over
20 five hundred dollars between the contributor and the state if the candidate is seeking election to
21 a state office or between the contributor and any political subdivision of the state if the candidate
22 is seeking election to another political subdivision of the state;

23 (b) Total amount of all anonymous contributions accepted;

24 (c) Total amount of all monetary contributions received through fund-raising events or
25 activities from participants whose names and addresses were not obtained with such
26 contributions, with an attached statement or copy of the statement describing each fund-raising
27 event as required in subsection 6 of section 130.031;

28 (d) Total dollar value of all in-kind contributions received;

29 (e) A separate listing by name and address and employer, or occupation if self-employed
30 or notation of retirement, of each person from whom the committee received contributions, in
31 money or any other thing of value, aggregating more than one hundred dollars, together with the
32 date and amount of each such contribution;

33 (f) A listing of each loan received by name and address of the lender and date and
34 amount of the loan. For each loan of more than one hundred dollars, a separate statement shall
35 be attached setting forth the name and address of the lender and each person liable directly,
36 indirectly or contingently, and the date, amount and terms of the loan;

37 (4) Expenditures for the period, including:

38 (a) The total dollar amount of expenditures made by check drawn on the committee's
39 depository;

40 (b) The total dollar amount of expenditures made in cash;

41 (c) The total dollar value of all in-kind expenditures made;

42 (d) The full name and mailing address of each person to whom an expenditure of money
43 or any other thing of value in the amount of more than one hundred dollars has been made,
44 contracted for or incurred, together with the date, amount and purpose of each expenditure.
45 Expenditures of one hundred dollars or less may be grouped and listed by categories of
46 expenditure showing the total dollar amount of expenditures in each category, except that the
47 report shall contain an itemized listing of each payment made to campaign workers by name,
48 address, date, amount and purpose of each payment and the aggregate amount paid to each such
49 worker;

50 (e) A list of each loan made, by name and mailing address of the person receiving the
51 loan, together with the amount, terms and date;

52 (5) The total amount of cash on hand as of the closing date of the reporting period
53 covered, including amounts in depository accounts and in petty cash fund;

54 (6) The total amount of outstanding indebtedness as of the closing date of the reporting
55 period covered;

56 (7) The amount of expenditures for or against a candidate or ballot measure during the
57 period covered and the cumulative amount of expenditures for or against that candidate or ballot
58 measure, with each candidate being listed by name, mailing address and office sought. For the
59 purpose of disclosure reports, expenditures made in support of more than one candidate or ballot
60 measure or both shall be apportioned reasonably among the candidates or ballot measure or both.
61 In apportioning expenditures to each candidate or ballot measure, political party committees and
62 continuing committees need not include expenditures for maintaining a permanent office, such
63 as expenditures for salaries of regular staff, office facilities and equipment or other expenditures
64 not designed to support or oppose any particular candidates or ballot measures; however, all such
65 expenditures shall be listed pursuant to subdivision (4) of this subsection;

66 (8) A separate listing by full name and address of any committee including a candidate
67 committee controlled by the same candidate for which a transfer of funds or a contribution in any
68 amount has been made during the reporting period, together with the date and amount of each
69 such transfer or contribution;

70 (9) A separate listing by full name and address of any committee, including a candidate
71 committee controlled by the same candidate from which a transfer of funds or a contribution in
72 any amount has been received during the reporting period, together with the date and amount of
73 each such transfer or contribution;

74 (10) Each committee that receives a contribution which is restricted or designated in
75 whole or in part by the contributor for transfer to a particular candidate, committee or other
76 person shall include a statement of the name and address of that contributor in the next disclosure
77 report required to be filed after receipt of such contribution, together with the date and amount
78 of any such contribution which was so restricted or designated by that contributor, together with

79 the name of the particular candidate or committee to whom such contribution was so designated
80 or restricted by that contributor and the date and amount of such contribution.

81 2. For the purpose of this section and any other section in this chapter except sections
82 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified
83 amount, the aggregate amount shall be computed by adding all contributions received from any
84 one person during the following periods:

85 (1) In the case of a candidate committee, the period shall begin on the date on which the
86 candidate became a candidate according to the definition of the term "candidate" in section
87 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an
88 election or at 11:59 p.m. on the day of the general election. If the candidate has a general
89 election held after a primary election, the next aggregating period shall begin at 12:00 midnight
90 on the day after the primary election day and shall close at 11:59 p.m. on the day of the general
91 election. Except that for contributions received during the thirty-day period immediately
92 following a primary election, the candidate shall designate whether such contribution is received
93 as a primary election contribution or a general election contribution;

94 (2) In the case of a campaign committee, the period shall begin on the date the committee
95 received its first contribution and end on the closing date for the period for which the report or
96 statement is required;

97 (3) In the case of a political party committee or a continuing committee, the period shall
98 begin on the first day of January of the year in which the report or statement is being filed and
99 end on the closing date for the period for which the report or statement is required; except, if the
100 report or statement is required to be filed prior to the first day of July in any given year, the
101 period shall begin on the first day of July of the preceding year.

102 3. **All individuals and committees required to file disclosure reports under this**
103 **section who receive a contribution required to be reported under section 130.044 shall**
104 **include that contribution on the disclosure report for the period in which it was received**
105 **and on the disclosure report for every period thereafter in that election cycle or calendar**
106 **year as otherwise required by law or on any statement of limited activity filed under**
107 **subdivision (2) of subsection 5 of section 130.046 in lieu of a disclosure report. A**
108 **contribution required to be reported under section 130.044 that is required to be included**
109 **on a statement of limited activity under this subsection shall not be included in the**
110 **aggregate limits under subdivision (2) of subsection 5 of section 130.046.**

111 4. The disclosure report shall be signed and attested by the committee treasurer or deputy
112 treasurer and by the candidate in case of a candidate committee.

113 [4.] 5. The words "consulting or consulting services, fees, or expenses", or similar words,
114 shall not be used to describe the purpose of a payment as required in this section. The reporting
115 of any payment to such an independent contractor shall be on a form supplied by the appropriate
116 officer, established by the ethics commission and shall include identification of the specific

117 service or services provided including, but not limited to, public opinion polling, research on
118 issues or opposition background, print or broadcast media production, print or broadcast media
119 purchase, computer programming or data entry, direct mail production, postage, rent, utilities,
120 phone solicitation, or fund raising, and the dollar amount prorated for each service.

130.044. 1. All individuals and committees required to file disclosure reports under
2 section 130.041 shall electronically report any contribution by any single contributor which
3 exceeds [five] **two** thousand dollars to the Missouri ethics commission within forty-eight hours
4 of receiving the contribution. Such reports shall contain the same content required under section
5 130.041 and shall be filed in accordance with the standards established by the commission for
6 electronic filing and other rules the commission may deem necessary to promulgate for the
7 effective administration of this section.

8 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
9 under the authority delegated in this section shall become effective only if it complies with and
10 is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section
11 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
12 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
13 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
14 proposed or adopted after August 28, 2008, shall be invalid and void.

130.046. 1. The disclosure reports required by section 130.041 for all committees shall
2 be filed at the following times and for the following periods:

3 (1) Not later than the eighth day before an election for the period closing on the twelfth
4 day before the election if the committee has made any contribution or expenditure either in
5 support or opposition to any candidate or ballot measure;

6 (2) Not later than the thirtieth day after an election for a period closing on the
7 twenty-fifth day after the election, if the committee has made any contribution or expenditure
8 either in support of or opposition to any candidate or ballot measure; except that, a successful
9 candidate who takes office prior to the twenty-fifth day after the election shall have complied
10 with the report requirement of this subdivision if a disclosure report is filed by such candidate
11 and any candidate committee under the candidate's control before such candidate takes office,
12 and such report shall be for the period closing on the day before taking office; and

13 (3) Not later than the fifteenth day following the close of each calendar quarter.
14 Notwithstanding the provisions of this subsection, if any committee accepts contributions or
15 makes expenditures in support of or in opposition to a ballot measure or a candidate, and the
16 report required by this subsection for the most recent calendar quarter is filed prior to the fortieth
17 day before the election on the measure or candidate, the committee shall file an additional
18 disclosure report not later than the fortieth day before the election for the period closing on the
19 forty-fifth day before the election.

20 2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition
21 or referendum petition, or a recall petition seeking to remove an incumbent from office,
22 disclosure reports relating to the time for filing such petitions shall be made as follows:

23 (1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of
24 this section the treasurer of a committee, other than a continuing committee, supporting or
25 opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent
26 from office shall file an initial disclosure report fifteen days after the committee begins the
27 process of raising or spending money. After such initial report, the committee shall file quarterly
28 disclosure reports as required by subdivision (3) of subsection 1 of this section until such time
29 as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed.
30 In addition the committee shall file a second disclosure report no later than the fifteenth day after
31 the deadline date for submitting such petition. The period covered in the initial report shall begin
32 on the day the committee first accepted contributions or made expenditures to support or oppose
33 the petition effort for qualification of the measure and shall close on the fifth day prior to the date
34 of the report;

35 (2) If the measure has qualified to be on the ballot in an election and if a committee
36 subject to the requirements of subdivision (1) of this subsection is also required to file a
37 preelection disclosure report for such election any time within thirty days after the date on which
38 disclosure reports are required to be filed in accordance with subdivision (1) of this subsection,
39 the treasurer of such committee shall not be required to file the report required by subdivision
40 (1) of this subsection, but shall include in the committee's preelection report all information
41 which would otherwise have been required by subdivision (1) of this subsection.

42 3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file
43 disclosure reports pursuant to this section, except for any calendar quarter in which the
44 contributions received by the committee or the expenditures or contributions made by the
45 committee do not exceed five hundred dollars. The reporting dates and periods covered for such
46 quarterly reports shall not be later than the fifteenth day of January, April, July and October for
47 periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day
48 of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be
49 required to file the quarterly disclosure report required not later than the fifteenth day of any
50 January immediately following a November election, provided that such candidate, treasurer or
51 deputy treasurer shall file the information required on such quarterly report on the quarterly
52 report to be filed not later than the fifteenth day of April immediately following such November
53 election. Each report by such committee shall be cumulative from the date of the last report.

54
55 In the case of the continuing committee's first report, the report shall be cumulative from the date
56 of the continuing committee's organization. Every candidate, treasurer or deputy treasurer shall
57 file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding

58 the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this
59 section. A continuing committee shall submit additional reports if it makes aggregate
60 expenditures, other than contributions to a committee, of five hundred dollars or more, within
61 the reporting period at the following times for the following periods:

62 (1) Not later than the eighth day before an election for the period closing on the twelfth
63 day before the election;

64 (2) Not later than twenty-four hours after aggregate expenditures of two hundred fifty
65 dollars or more are made after the twelfth day before the election; and

66 (3) Not later than the thirtieth day after an election for a period closing on the
67 twenty-fifth day after the election.

68 4. The reports required to be filed no later than the thirtieth day after an election and any
69 subsequently required report shall be cumulative so as to reflect the total receipts and
70 disbursements of the reporting committee for the entire election campaign in question. The
71 period covered by each disclosure report shall begin on the day after the closing date of the most
72 recent disclosure report filed and end on the closing date for the period covered. If the
73 committee has not previously filed a disclosure report, the period covered begins on the date the
74 committee was formed; except that in the case of a candidate committee, the period covered
75 begins on the date the candidate became a candidate according to the definition of the term
76 candidate in section 130.011.

77 5. Notwithstanding any other provisions of this chapter to the contrary:

78 (1) Certain disclosure reports pertaining to any candidate who receives nomination in
79 a primary election and thereby seeks election in the immediately succeeding general election
80 shall not be required in the following cases:

81 (a) If there are less than fifty days between a primary election and the immediately
82 succeeding general election, the disclosure report required to be filed quarterly **need not be filed**;
83 provided that, any other report required to be filed prior to the primary election and all other
84 reports required to be filed not later than the eighth day before the general election are filed no
85 later than the final dates for filing such reports;

86 (b) If there are less than eighty-five days between a primary election and the immediately
87 succeeding general election, the disclosure report required to be filed not later than the thirtieth
88 day after the primary election need not be filed; provided that any report required to be filed prior
89 to the primary election and any other report required to be filed prior to the general election are
90 filed no later than the final dates for filing such reports; and

91 (2) No disclosure report needs to be filed for any reporting period if during that reporting
92 period the committee has neither received contributions aggregating more than five hundred
93 dollars nor made expenditure aggregating more than five hundred dollars and has not received
94 contributions aggregating more than three hundred dollars from any single contributor and if the
95 committee's treasurer files a statement with the appropriate officer that the committee has not

106 exceeded the identified thresholds in the reporting period. Any contributions received or
107 expenditures made which are not reported because this statement is filed in lieu of a disclosure
108 report shall be included in the next disclosure report filed by the committee. This statement shall
109 not be filed in lieu of the report for two or more consecutive disclosure periods if either the
110 contributions received or expenditures made in the aggregate during those reporting periods
111 exceed five hundred dollars. This statement shall not be filed, in lieu of the report, later than the
112 thirtieth day after an election if that report would show a deficit of more than one thousand
113 dollars.

114 6. (1) If the disclosure report required to be filed by a committee not later than the
115 thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations
116 in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with
117 the appropriate officer for each succeeding semiannual period until the deficit is reported in a
118 disclosure report as being reduced to five thousand dollars or less; except that, a supplemental
119 semiannual report shall not be required for any semiannual period which includes the closing
120 date for the reporting period covered in any regular disclosure report which the committee is
121 required to file in connection with an election. The reporting dates and periods covered for
122 semiannual reports shall be not later than the fifteenth day of January and July for periods closing
123 on the thirty-first day of December and the thirtieth day of June.

124 (2) Committees required to file reports pursuant to subsection 2 or 3 of this section
125 which are not otherwise required to file disclosure reports for an election shall file semiannual
126 reports as required by this subsection if their last required disclosure report shows a total of
127 unpaid loans and other outstanding obligations in excess of five thousand dollars.

128 7. In the case of a committee which disbands and is required to file a termination
129 statement pursuant to the provisions of section 130.021 with the appropriate officer not later than
130 the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy
131 treasurer shall attach to the termination statement a complete disclosure report for the period
132 closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8
133 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the
134 reporting requirements of subsection 6 or 7 of this section.

135 8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m.
136 prevailing local time of the day designated for the filing of the report and a report postmarked
137 not later than midnight of the day [previous to the day] designated for filing the report shall be
138 deemed to have been filed in a timely manner. The appropriate officer may establish a policy
139 whereby disclosure reports may be filed by facsimile transmission.

140 9. Each candidate for the office of state representative, state senator, and for statewide
141 elected office shall file all disclosure reports described in section 130.041 electronically with the
142 Missouri ethics commission. The Missouri ethics commission shall promulgate rules

133 establishing the standard for electronic filings with the commission and shall propose such rules
134 for the importation of files to the reporting program.

135 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
136 created under the authority delegated in this section shall become effective only if it complies
137 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
138 This section and chapter 536 are nonseverable and if any of the powers vested with the general
139 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
140 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
141 any rule proposed or adopted after August 28, 2006, shall be invalid and void.

130.057. 1. In order for candidates for election and public officials to more easily file
2 reports required by law and to access information contained in such reports, and for the Missouri
3 ethics commission to receive and store reports in an efficient and economical method, and for
4 the general public and news media to access information contained in such reports, the
5 commission shall establish and maintain an electronic reporting system pursuant to this section.

6 2. [The ethics commission may establish for elections in 1996 and shall establish for
7 elections and all required reporting beginning in 1998 and maintain thereafter a state campaign
8 finance and financial interest disclosure electronic reporting system pursuant to this section for
9 all candidates required to file.] The system may be used for the collection, filing and
10 dissemination of all reports, including monthly lobbying reports filed by law, and all reports filed
11 with the commission pursuant to this chapter and chapter 105. The system may be [established
12 and] used for all reports required to be filed for [the primary and general elections in 1996 and]
13 all elections [thereafter, except that the system may require maintenance of a paper backup
14 system for the primary and general elections in 1996]. The reports shall be maintained and
15 secured in the electronic format by the commission.

16 3. [When the commission determines that the electronic reporting system has been
17 properly implemented, the commission shall certify to all candidates and committees required
18 to file pursuant to this chapter that such electronic reporting system has been established and
19 implemented. Beginning with the primary and general elections in 2000, or the next primary or
20 general election in which the commission has made certification pursuant to this subsection,
21 whichever is later,] Candidates and all other committees **that are not required to file reports**
22 **electronically with the Missouri ethics commission** shall file reports by using either the
23 electronic format prescribed by the commission or paper forms provided by the commission for
24 that purpose[. Continuing] , **whichever reporting method the committee chooses. Except as**
25 **provided in subsection 9 of section 130.046**, committees shall file reports by electronic format
26 prescribed by the commission[, except continuing committees which make contributions equal
27 to or less than fifteen thousand dollars in the applicable calendar year. Any continuing
28 committee which makes contributions in support of or opposition to any measure or candidate
29 equal to or less than fifteen thousand dollars in the applicable calendar year shall file reports on

30 paper forms provided by the commission for that purpose or by electronic format prescribed by
31 the commission, whichever reporting method the continuing committee chooses]. The
32 commission shall supply a computer program which shall be used for filing by modem or by a
33 common magnetic media chosen by the commission. In the event that filings are performed
34 electronically, the candidate shall file a signed original written copy within five working days;
35 except that, if a means becomes available which will allow a verifiable electronic signature, the
36 commission may also accept this in lieu of a written statement.

37 4. [Beginning January 1, 2000, or on the date the commission makes the certification
38 pursuant to subsection 3 of this section, whichever is later, all reports filed with the commission
39 by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic
40 format as prescribed by the commission; provided however, that if a candidate for statewide
41 office, or such candidate's committee receives or spends five thousand dollars or less for any
42 reporting period, the report for that reporting period shall not be required to be filed
43 electronically.

44 5.] A copy of all reports filed in the state campaign finance electronic reporting system
45 shall be placed on a public electronic access system so that the general public may have open
46 access to the reports filed pursuant to this section. The access system shall be organized and
47 maintained in such a manner to allow an individual to obtain information concerning all
48 contributions made to or on behalf of, and all expenditures made on behalf of, any public official
49 described in subsection 2 of this section in formats that will include both written and
50 electronically readable formats.

51 [6.] 5. All records that are in electronic format, not otherwise closed by law, shall be
52 available in electronic format to the public. The commission shall maintain and provide for
53 public inspection, a listing of all reports with a complete description for each field contained on
54 the report, that has been used to extract information from their database files. The commission
55 shall develop a report or reports which contain every field in each database.

56 [7.] 6. Annually, the commission shall provide, without cost, a system-wide dump of
57 information contained in the commission's electronic database files to the general assembly. The
58 information is to be copied onto a medium specified by the general assembly. Such information
59 shall not contain records otherwise closed by law. It is the intent of the general assembly to
60 provide open access to the commission's records. The commission shall make every reasonable
61 effort to comply with requests for information and shall take a liberal interpretation when
62 considering such requests.

130.071. 1. If a successful candidate, or the treasurer of [his] **the** candidate committee,
2 **or the successful candidate who also has served as a treasurer or deputy treasurer of any**
3 **committee defined in section 130.011** fails to file the [disclosure] reports which are required
4 by this chapter, the candidate shall not take office until such reports are filed **and all fees**
5 **assessed by the commission are paid.**

2. In addition to any other penalties provided by law, no person may file for any office in a subsequent election until he **or she** or the treasurer of his **or her** existing candidate **committee or any committee defined in section 130.011** has filed all required campaign disclosure reports for all prior elections **and paid all fees assessed by the commission.**

Section 1. Any committee, as defined in section 130.011, that holds or invests moneys shall only hold or invest such moneys in no- or low-risk investments, such as low interest bearing accounts, and shall not invest any such moneys in moderate- to high-risk investments, such as the purchase of shares of stock in financial institutions or other entities.

[105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; or

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed

36 to prohibit any inquiry for information or the representation of a person without
37 consideration before a state agency or in a matter involving the state if no
38 consideration is given, charged or promised in consequence thereof.

39 2. No sole proprietorship, partnership, joint venture, or corporation in
40 which a member of the general assembly, governor, lieutenant governor, attorney
41 general, secretary of state, state treasurer, state auditor or spouse of such official
42 is the sole proprietor, a partner having more than a ten percent partnership
43 interest, or a coparticipant or owner of in excess of ten percent of the outstanding
44 shares of any class of stock, shall:

45 (1) Perform any service for the state or any political subdivision thereof
46 or any agency of the state or political subdivision for any consideration in excess
47 of five hundred dollars per transaction or one thousand five hundred dollars per
48 annum unless the transaction is made pursuant to an award on a contract let or
49 sale made after public notice and competitive bidding, provided that the bid or
50 offer accepted is the lowest received; or

51 (2) Sell, rent, or lease any property to the state or any political
52 subdivision thereof or any agency of the state or political subdivision thereof for
53 consideration in excess of five hundred dollars per transaction or one thousand
54 five hundred dollars per annum unless the transaction is made pursuant to an
55 award on a contract let or a sale made after public notice and in the case of
56 property other than real property, competitive bidding, provided that the bid or
57 offer accepted is the lowest and best received.

58 3. No statewide elected official, member of the general assembly, or any
59 person acting on behalf of such official or member shall expressly and explicitly
60 make any offer or promise to confer any paid employment, where the individual
61 is compensated above actual and necessary expenses, to any statewide elected
62 official or member of the general assembly in exchange for the official's or
63 member's official vote on any public matter. Any person making such offer or
64 promise is guilty of the crime of bribery of a public servant under section
65 576.010.

66 4. Any statewide elected official or member of the general assembly who
67 accepts or agrees to accept an offer described in subsection 3 of this section is
68 guilty of the crime of acceding to corruption under section 576.020.]
69

2 [105.473. 1. Each lobbyist shall, not later than January fifth of each year
3 or five days after beginning any activities as a lobbyist, file standardized
4 registration forms, verified by a written declaration that it is made under the
5 penalties of perjury, along with a filing fee of ten dollars, with the commission.
6 The forms shall include the lobbyist's name and business address, the name and
7 address of all persons such lobbyist employs for lobbying purposes, the name and
8 address of each lobbyist principal by whom such lobbyist is employed or in
9 whose interest such lobbyist appears or works. The commission shall maintain
10 files on all lobbyists' filings, which shall be open to the public. Each lobbyist
11 shall file an updating statement under oath within one week of any addition,
12 deletion, or change in the lobbyist's employment or representation. The filing fee
shall be deposited to the general revenue fund of the state. The lobbyist principal

13 or a lobbyist employing another person for lobbying purposes may notify the
14 commission that a judicial, executive or legislative lobbyist is no longer
15 authorized to lobby for the principal or the lobbyist and should be removed from
16 the commission's files.

17 2. Each person shall, before giving testimony before any committee of
18 the general assembly, give to the secretary of such committee such person's name
19 and address and the identity of any lobbyist or organization, if any, on whose
20 behalf such person appears. A person who is not a lobbyist as defined in section
21 105.470 shall not be required to give such person's address if the committee
22 determines that the giving of such address would endanger the person's physical
23 health.

24 3. (1) During any period of time in which a lobbyist continues to act as
25 an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local
26 government official lobbyist, the lobbyist shall file with the commission on
27 standardized forms prescribed by the commission monthly reports which shall be
28 due at the close of business on the tenth day of the following month;

29 (2) Each report filed pursuant to this subsection shall include a statement,
30 verified by a written declaration that it is made under the penalties of perjury,
31 setting forth the following:

32 (a) The total of all expenditures by the lobbyist or his or her lobbyist
33 principals made on behalf of all public officials, their staffs and employees, and
34 their spouses and dependent children, which expenditures shall be separated into
35 at least the following categories by the executive branch, judicial branch and
36 legislative branch of government: printing and publication expenses; media and
37 other advertising expenses; travel; the time, venue, and nature of any
38 entertainment; honoraria; meals, food and beverages; and gifts;

39 (b) The total of all expenditures by the lobbyist or his or her lobbyist
40 principals made on behalf of all elected local government officials, their staffs
41 and employees, and their spouses and children. Such expenditures shall be
42 separated into at least the following categories: printing and publication
43 expenses; media and other advertising expenses; travel; the time, venue, and
44 nature of any entertainment; honoraria; meals; food and beverages; and gifts;

45 (c) An itemized listing of the name of the recipient and the nature and
46 amount of each expenditure by the lobbyist or his or her lobbyist principal,
47 including a service or anything of value, for all expenditures made during any
48 reporting period, paid or provided to or for a public official or elected local
49 government official, such official's staff, employees, spouse or dependent
50 children;

51 (d) The total of all expenditures made by a lobbyist or lobbyist principal
52 for occasions and the identity of the group invited, the date, location, and
53 description of the occasion and the amount of the expenditure for each occasion
54 when any of the following are invited in writing:

55 a. All members of the senate, which may or may not include senate staff
56 and employees under the direct supervision of a state senator;

b. All members of the house of representatives, which may or may not include house staff and employees under the direct supervision of a state representative;

c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate, which may or may not include joint and standing committee staff;

d. All members of a caucus of the majority party of the house of representatives, minority party of the house of representatives, majority party of the senate, or minority party of the senate;

e. All statewide officials, which may or may not include the staff and employees under the direct supervision of the statewide official;

(e) Any expenditure made on behalf of a public official, an elected local government official or such official's staff, employees, spouse or dependent children, if such expenditure is solicited by such official, the official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence and except for any expenditure reported under paragraph (d) of this subdivision;

(f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official or elected local government official. The reports required by this subdivision shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists. No expenditure shall be made on behalf of a state senator or state representative, or such public official's staff, employees, spouse, or dependent children for travel or lodging outside the state of Missouri unless such travel or lodging was approved prior to the date of the expenditure by the administration and accounts committee of the house or the administration committee of the senate.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. Any lobbyist found to knowingly omit, conceal, or falsify in any manner information required pursuant to this section shall be guilty of a class A misdemeanor.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any elected local government official on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed. This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. The provisions of this section shall supersede any contradicting ordinances or charter provisions.]

[105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six members, is hereby established. The commission shall be assigned to the office of administration with supervision by the office of administration only for budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the office of administration shall not extend to matters relating to policies, regulative functions or appeals from decisions of the commission, and the commissioner of administration, any employee of the office of administration, or the governor,

9 either directly or indirectly, shall not participate or interfere with the activities of
10 the commission in any manner not specifically provided by law and shall not in
11 any manner interfere with the budget request of or withhold any moneys
12 appropriated to the commission by the general assembly. All members of the
13 commission shall be appointed by the governor with the advice and consent of
14 the senate from lists submitted pursuant to this section. Each congressional
15 district committee of the political parties having the two highest number of votes
16 cast for their candidate for governor at the last gubernatorial election shall submit
17 two names of eligible nominees for membership on the commission to the
18 governor, and the governor shall select six members from such nominees to serve
19 on the commission.

20 2. Within thirty days of submission of the person's name to the governor
21 as provided in subsection 1 of this section, and in order to be an eligible nominee
22 for appointment to the commission, a person shall file a financial interest
23 statement in the manner provided by section 105.485 and shall provide the
24 governor, the president pro tempore of the senate, and the commission with a list
25 of all political contributions and the name of the candidate or committee, political
26 party, or political action committee, as defined in chapter 130, to which those
27 contributions were made within the four-year period prior to such appointment,
28 made by the nominee, the nominee's spouse, or any business entity in which the
29 nominee has a substantial interest. The information shall be maintained by the
30 commission and available for public inspection during the period of time during
31 which the appointee is a member of the commission. In order to be an eligible
32 nominee for membership on the commission, a person shall be a citizen and a
33 resident of the state and shall have been a registered voter in the state for a period
34 of at least five years preceding the person's appointment.

35 3. The term of each member shall be for four years, except that of the
36 members first appointed, the governor shall select three members from
37 even-numbered congressional districts and three members from odd-numbered
38 districts. Not more than three members of the commission shall be members of
39 the same political party, nor shall more than one member be from any one United
40 States congressional district. Not more than two members appointed from the
41 even-numbered congressional districts shall be members of the same political
42 party, and no more than two members from the odd-numbered congressional
43 districts shall be members of the same political party. Of the members first
44 appointed, the terms of the members appointed from the odd-numbered
45 congressional districts shall expire on March 15, 1994, and the terms of the
46 members appointed from the even-numbered congressional districts shall expire
47 on March 15, 1996. Thereafter all successor members of the commission shall
48 be appointed for four-year terms. Terms of successor members of the
49 commission shall expire on March fifteenth of the fourth year of their term. No
50 member of the commission shall serve on the commission after the expiration of
51 the member's term. No person shall be appointed to more than one full four-year
52 term on the commission.

53 4. Vacancies or expired terms on the commission shall be filled in the
54 same manner as the original appointment was made, except as provided in this

subsection. Within thirty days of the vacancy or ninety days before the expiration of the term, the names of two eligible nominees for membership on the commission shall be submitted to the governor by the congressional district committees of the political party or parties of the vacating member or members, from the even- or odd-numbered congressional districts, based on the residence of the vacating member or members, other than from the congressional district committees from districts then represented on the commission and from the same congressional district party committee or committees which originally appointed the member or members whose positions are vacated. Appointments to fill vacancies or expired terms shall be made within forty-five days after the deadline for submission of names by the congressional district committees, and shall be subject to the same qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section. Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired term of the member whom the appointee succeeds, and such appointees shall be eligible for appointment to one full four-year term. If the congressional district committee does not submit the required two nominees within the thirty days or if the congressional district committee does not submit the two nominees within an additional thirty days after receiving notice from the governor to submit the nominees, then the governor may appoint a person or persons who shall be subject to the same qualifications for appointment and eligibility as provided in subsections 2 and 3 of this section.

5. The governor, with the advice and consent of the senate, may remove any member only for substantial neglect of duty, inability to discharge the powers and duties of office, gross misconduct or conviction of a felony or a crime involving moral turpitude. Members of the commission also may be removed from office by concurrent resolution of the general assembly signed by the governor. If such resolution receives the vote of two-thirds or more of the membership of both houses of the general assembly, the signature of the governor shall not be necessary to effect removal. The office of any member of the commission who moves from the congressional district from which the member was appointed shall be deemed vacated upon such change of residence.

6. The commission shall elect biennially one of its members as the chairman. The chairman may not succeed himself or herself after two years. No member of the commission shall succeed as chairman any member of the same political party as himself or herself. At least four members are necessary to constitute a quorum, and at least four affirmative votes shall be required for any action or recommendation of the commission.

7. No member or employee of the commission, during the person's term of service, shall hold or be a candidate for any other public office.

8. In the event that a retired judge is appointed as a member of the commission, the judge shall not serve as a special investigator while serving as a member of the commission.

9. No member of the commission shall, during the member's term of service or within one year thereafter:

(1) Be employed by the state or any political subdivision of the state;

101 (2) Be employed as a lobbyist;
102 (3) Serve on any other governmental board or commission;
103 (4) Be an officer of any political party or political organization;
104 (5) Permit the person's name to be used, or make contributions, in
105 support of or in opposition to any candidate or proposition;

106 (6) Participate in any way in any election campaign; except that a
107 member or employee of the commission shall retain the right to register and vote
108 in any election, to express the person's opinion privately on political subjects or
109 candidates, to participate in the activities of a civic, community, social, labor or
110 professional organization and to be a member of a political party.

111 10. Each member of the commission shall receive, as full compensation
112 for the member's services, the sum of one hundred dollars per day for each full
113 day actually spent on work of the commission, and the member's actual and
114 necessary expenses incurred in the performance of the member's official duties.

115 11. The commission shall appoint an executive director who shall serve
116 subject to the supervision of and at the pleasure of the commission, but in no
117 event for more than six years. The executive director shall be responsible for the
118 administrative operations of the commission and perform such other duties as
119 may be delegated or assigned to the director by law or by rule of the commission.
120 The executive director shall employ staff and retain such contract services as the
121 director deems necessary, within the limits authorized by appropriations by the
122 general assembly.

123 12. Beginning on January 1, 1993, all lobbyist registration and
124 expenditure reports filed pursuant to section 105.473, financial interest
125 statements filed pursuant to subdivision (1) of section 105.489, and campaign
126 finance disclosure reports filed other than with election authorities or local
127 election authorities as provided by section 130.026 shall be filed with the
128 commission.

129 13. Within sixty days of the initial meeting of the first commission
130 appointed, the commission shall obtain from the clerk of the supreme court or the
131 state courts administrator a list of retired appellate and circuit court judges who
132 did not leave the judiciary as a result of being defeated in an election. The
133 executive director shall determine those judges who indicate their desire to serve
134 as special investigators and to investigate any and all complaints referred to them
135 by the commission. The executive director shall maintain an updated list of those
136 judges qualified and available for appointment to serve as special investigators.
137 Such list shall be updated at least annually. The commission shall refer
138 complaints to such special investigators on that list on a rotating schedule which
139 ensures a random assignment of each special investigator. Each special
140 investigator shall receive only one unrelated investigation at a time and shall not
141 be assigned to a second or subsequent investigation until all other eligible
142 investigators on the list have been assigned to an investigation. In the event that
143 no special investigator is qualified or available to conduct a particular
144 investigation, the commission may appoint a special investigator to conduct such
145 particular investigation.

146 14. The commission shall have the following duties and responsibilities
147 relevant to the impartial and effective enforcement of sections 105.450 to
148 105.496 and chapter 130, as provided in sections 105.955 to 105.963:

149 (1) Receive and review complaints regarding alleged violation of sections
150 105.450 to 105.496 and chapter 130, conduct initial reviews and investigations
151 regarding such complaints as provided herein; refer complaints to appropriate
152 prosecuting authorities and appropriate disciplinary authorities along with
153 recommendations for sanctions; and initiate judicial proceedings as allowed by
154 sections 105.955 to 105.963;

155 (2) Review and investigate any reports and statements required by the
156 campaign finance disclosure laws contained in chapter 130, and financial interest
157 disclosure laws or lobbyist registration and reporting laws as provided by sections
158 105.470 to 105.492, for timeliness, accuracy and completeness of content as
159 provided in sections 105.955 to 105.963;

160 (3) Conduct investigations as provided in subsection 2 of section
161 105.959;

162 (4) Develop appropriate systems to file and maintain an index of all such
163 reports and statements to facilitate public access to such information, except as
164 may be limited by confidentiality requirements otherwise provided by law,
165 including cross-checking of information contained in such statements and reports.
166 The commission may enter into contracts with the appropriate filing officers to
167 effectuate such system. Such filing officers shall cooperate as necessary with the
168 commission as reasonable and necessary to effectuate such purposes;

169 (5) Provide information and assistance to lobbyists, elected and
170 appointed officials, and employees of the state and political subdivisions in
171 carrying out the provisions of sections 105.450 to 105.496 and chapter 130;

172 (6) Make recommendations to the governor and general assembly or any
173 state agency on the need for further legislation with respect to the ethical conduct
174 of public officials and employees and to advise state and local government in the
175 development of local government codes of ethics and methods of disclosing
176 conflicts of interest as the commission may deem appropriate to promote high
177 ethical standards among all elected and appointed officials or employees of the
178 state or any political subdivision thereof and lobbyists;

179 (7) Render advisory opinions as provided by this section;

180 (8) Promulgate rules relating to the provisions of sections 105.955 to
181 105.963 and chapter 130. All rules and regulations issued by the commission
182 shall be prospective only in operation;

183 (9) Request and receive from the officials and entities identified in
184 subdivision (6) of section 105.450 designations of decision-making public
185 servants.

186 15. In connection with such powers provided by sections 105.955 to
187 105.963 and chapter 130, the commission may:

188 (1) Subpoena witnesses and compel their attendance and testimony.
189 Subpoenas shall be served and enforced in the same manner provided by section
190 536.077;

191 (2) Administer oaths and affirmations;

(3) Take evidence and require by subpoena duces tecum the production of books, papers, and other records relating to any matter being investigated or to the performance of the commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and enforced in the same manner provided by section 536.077;

(4) Employ such personnel, including legal counsel, and contract for services including legal counsel, within the limits of its appropriation, as it deems necessary provided such legal counsel, either employed or contracted, represents the Missouri ethics commission before any state agency or before the courts at the request of the Missouri ethics commission. Nothing in this section shall limit the authority of the Missouri ethics commission as provided for in subsection 2 of section 105.961; and

(5) Obtain information from any department, division or agency of the state or any political subdivision reasonably calculated to lead to the discovery of evidence which will reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to 105.963 and chapter 130.

16. (1) Upon written request for an advisory opinion received by the commission, and if the commission determines that the person requesting the opinion would be directly affected by the application of law to the facts presented by the requesting person, the commission shall issue a written opinion advising the person who made the request, in response to the person's particular request, regarding any issue that the commission can receive a complaint on pursuant to section 105.957. The commission may decline to issue a written opinion by a vote of four members and shall provide to the requesting person the reason for the refusal in writing. The commission shall give an approximate time frame as to when the written opinion shall be issued. Such advisory opinions shall be issued no later than ninety days from the date of receipt by the commission. Such requests and advisory opinions, deleting the name and identity of the requesting person, shall be compiled and published by the commission on at least an annual basis. Advisory opinions issued by the commission shall be maintained and made available for public inspection and copying at the office of the commission during normal business hours. Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall be withdrawn by the commission if, after hearing thereon, the joint committee on administrative rules finds that such advisory opinion is beyond or contrary to the statutory authority of the commission or is inconsistent with the legislative intent of any law enacted by the general assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings and conclusions of the joint committee on administrative rules. Any such concurrent resolution adopted by the general assembly shall be published at length by the commission in its publication of advisory opinions of the commission next following the adoption of such resolution, and a copy of such concurrent resolution shall be maintained by the commission, along with the withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also send a copy of such resolution to the person who originally requested the withdrawn advisory opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to

any person requesting such opinion and no person shall be liable for relying on the opinion and it shall act as a defense of justification against prosecution. An advisory opinion of the commission shall not be withdrawn unless:

- (a) The authorizing statute is declared unconstitutional;
- (b) The opinion goes beyond the power authorized by statute; or
- (c) The authorizing statute is changed to invalidate the opinion.

(2) Upon request, the attorney general shall give the attorney general's opinion, without fee, to the commission, any elected official of the state or any political subdivision, any member of the general assembly, or any director of any department, division or agency of the state, upon any question of law regarding the effect or application of sections 105.450 to 105.496 or chapter 130. Such opinion need be in writing only upon request of such official, member or director, and in any event shall be rendered within sixty days after such request is delivered to the attorney general.

17. The state auditor and the state auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070 may audit the commission and in connection therewith may inspect materials relating to the functions of the commission. Such audit shall include a determination of whether appropriations were spent within the intent of the general assembly, but shall not extend to review of any file or document pertaining to any particular investigation, audit or review by the commission, an investigator or any staff or person employed by the commission or under the supervision of the commission or an investigator. The state auditor and any employee of the state auditor shall not disclose the identity of any person who is or was the subject of an investigation by the commission and whose identity is not public information as provided by law.

18. From time to time but no more frequently than annually the commission may request the officials and entities described in subdivision (6) of section 105.450 to identify for the commission in writing those persons associated with such office or entity which such office or entity has designated as a decision-making public servant. Each office or entity delineated in subdivision (6) of section 105.450 receiving such a request shall identify those so designated within thirty days of the commission's request.]

[105.957. 1. The commission shall receive any complaints alleging violation of the provisions of:

- (1) The requirements imposed on lobbyists by sections 105.470 to 105.478;
- (2) The financial interest disclosure requirements contained in sections 105.483 to 105.492;
- (3) The campaign finance disclosure requirements contained in chapter 130;
- (4) Any code of conduct promulgated by any department, division or agency of state government, or by state institutions of higher education, or by executive order;

12 (5) The conflict of interest laws contained in sections 105.450 to 105.468
13 and section 171.181; and

14 (6) The provisions of the constitution or state statute or order, ordinance
15 or resolution of any political subdivision relating to the official conduct of
16 officials or employees of the state and political subdivisions.

17 2. Complaints filed with the commission shall be in writing and filed
18 only by a natural person. The complaint shall contain all facts known by the
19 complainant that have given rise to the complaint and the complaint shall be
20 sworn to, under penalty of perjury, by the complainant. No complaint shall be
21 investigated unless the complaint alleges facts which, if true, fall within the
22 jurisdiction of the commission. Within five days after receipt by the commission
23 of a complaint which is properly signed and notarized, and which alleges facts
24 which, if true, fall within the jurisdiction of the commission, a copy of the
25 complaint, including the name of the complainant, shall be delivered to the
26 alleged violator.

27 3. No complaint shall be investigated which concerns alleged criminal
28 conduct which allegedly occurred previous to the period of time allowed by law
29 for criminal prosecution for such conduct. The commission may refuse to
30 investigate any conduct which is the subject of civil or criminal litigation. The
31 commission, its executive director or an investigator shall not investigate any
32 complaint concerning conduct which is not criminal in nature which occurred
33 more than two years prior to the date of the complaint. A complaint alleging
34 misconduct on the part of a candidate for public office, other than those alleging
35 failure to file the appropriate financial interest statements or campaign finance
36 disclosure reports, shall not be accepted by the commission within sixty days
37 prior to the primary election at which such candidate is running for office, and
38 until after the general election.

39 4. If the commission finds that any complaint is frivolous in nature, the
40 commission shall dismiss the case. For purposes of this subsection, "frivolous"
41 shall mean a complaint clearly lacking any basis in fact or law. Any person who
42 submits a frivolous complaint shall be liable for actual and compensatory
43 damages to the alleged violator for holding the alleged violator before the public
44 in a false light. If the commission finds that a complaint is frivolous, the
45 commission shall issue a public report to the complainant and the alleged violator
46 stating with particularity its reasons for dismissal of the complaint. Upon such
47 issuance, the complaint and all materials relating to the complaint shall be a
48 public record as defined in chapter 610.

49 5. Complaints which allege violations as described in this section which
50 are filed with the commission shall be handled as provided by section 105.961.]
51

2 [105.959. 1. The executive director of the commission, under the
3 supervision of the commission, shall review reports and statements filed with the
4 commission or other appropriate officers pursuant to sections 105.470, 105.483
5 to 105.492, and chapter 130 for completeness, accuracy and timeliness of filing
6 of the reports or statements and any records relating to the reports or statements,
and upon review, if there are reasonable grounds to believe that a violation has

7 occurred, shall conduct an investigation of such reports, statements, and records
8 and assign a special investigator following the provisions of subsection 1 of
9 section 105.961.

10 2. (1) If there are reasonable grounds to believe that a violation has
11 occurred and after the commission unanimously votes to proceed with all six
12 members voting, the executive director shall, without receipt of a complaint,
13 conduct an independent investigation of any potential violations of the provisions
14 of:

15 (a) The requirements imposed on lobbyists by sections 105.470 to
16 105.478;

17 (b) The financial interest disclosure requirements contained in sections
18 105.483 to 105.492;

19 (c) The campaign finance disclosure requirements contained in chapter
20 130;

21 (d) Any code of conduct promulgated by any department, division, or
22 agency of state government, or by state institutions of higher education, or by
23 executive order;

24 (e) The conflict of interest laws contained in sections 105.450 to 105.468
25 and section 171.181; and

26 (f) The provisions of the constitution or state statute or order, ordinance,
27 or resolution of any political subdivision relating to the official conduct of
28 officials or employees of the state and political subdivisions.

29 (2) If an investigation conducted under this subsection fails to establish
30 reasonable grounds to believe that a violation has occurred, the investigation shall
31 be terminated and the person who had been under investigation shall be notified
32 of the reasons for the disposition of the complaint.

33 3. Upon findings of the appropriate filing officer which are reported to
34 the commission in accordance with the provisions of section 130.056, the
35 executive director shall investigate disclosure reports, statements and records
36 pertaining to such findings within a reasonable time after receipt of the reports
37 from the appropriate filing officer.

38 4. The commission may make such investigations and inspections within
39 or outside of this state as are necessary to determine compliance.

40 5. The commission shall notify the person under investigation under this
41 section, by registered mail, within five days of the decision to conduct such
42 investigation and assign a special investigator following the provisions of
43 subsection 1 of section 105.961.

44 6. After completion of an investigation, the executive director shall
45 provide a detailed report of such investigation to the commission. Upon
46 determination that there are reasonable grounds to believe that a person has
47 violated the requirements of sections 105.470, 105.483 to 105.492, or chapter
48 130, by a vote of four members of the commission, the commission may refer the
49 report with the recommendations of the commission to the appropriate
50 prosecuting authority together with the details of the investigation by the
51 commission as is provided in subsection 2 of section 105.961.

52 7. All investigations by the executive director of an alleged violation
53 shall be strictly confidential with the exception of notification of the commission
54 and the complainant and the person under investigation. Revealing any such
55 confidential investigation information shall be cause for removal or dismissal of
56 the executive director or a commission member or employee.]
57

2 [105.961. 1. Upon receipt of a complaint as described by section 105.957
3 or upon notification by the commission of an investigation under subsection 5 of
4 section 105.959, the commission shall assign the complaint or investigation to
5 a special investigator, who may be a commission employee, who shall investigate
6 and determine the merits of the complaint or investigation. Within ten days of
7 such assignment, the special investigator shall review such complaint and
8 disclose, in writing, to the commission any conflict of interest which the special
9 investigator has or might have with respect to the investigation and subject
10 thereof. Within ninety days of receipt of the complaint from the commission, the
11 special investigator shall submit the special investigator's report to the
12 commission. The commission, after review of such report, shall determine:

13 (1) That there is reasonable grounds for belief that a violation has
14 occurred; or

15 (2) That there are no reasonable grounds for belief that a violation exists
16 and the complaint or investigation shall be dismissed; or

17 (3) That additional time is necessary to complete the investigation, and
18 the status and progress of the investigation to date. The commission, in its
19 discretion, may allow the investigation to proceed for no more than two
20 additional successive periods of ninety days each, pending reports regarding the
21 status and progress of the investigation at the end of each such period.

22 2. When the commission concludes, based on the report from the special
23 investigator, or based on an investigation conducted pursuant to section 105.959,
24 that there are reasonable grounds to believe that a violation of any criminal law
25 has occurred, and if the commission believes that criminal prosecution would be
26 appropriate upon a vote of four members of the commission, the commission
27 shall refer the report to the Missouri office of prosecution services, prosecutors
28 coordinators training council established in section 56.760, which shall submit
29 a panel of five attorneys for recommendation to the court having criminal
30 jurisdiction, for appointment of an attorney to serve as a special prosecutor;
31 except that, the attorney general of Missouri or any assistant attorney general
32 shall not act as such special prosecutor. The court shall then appoint from such
33 panel a special prosecutor pursuant to section 56.110 who shall have all the
34 powers provided by section 56.130. The court shall allow a reasonable and
35 necessary attorney's fee for the services of the special prosecutor. Such fee shall
36 be assessed as costs if a case is filed, or ordered by the court if no case is filed,
37 and paid together with all other costs in the proceeding by the state, in accordance
38 with rules and regulations promulgated by the state courts administrator, subject
39 to funds appropriated to the office of administration for such purposes. If the
40 commission does not have sufficient funds to pay a special prosecutor, the
commission shall refer the case to the prosecutor or prosecutors having criminal

jurisdiction. If the prosecutor having criminal jurisdiction is not able to prosecute the case due to a conflict of interest, the court may appoint a special prosecutor, paid from county funds, upon appropriation by the county or the attorney general to investigate and, if appropriate, prosecute the case. The special prosecutor or prosecutor shall commence an action based on the report by the filing of an information or seeking an indictment within sixty days of the date of such prosecutor's appointment, or shall file a written statement with the commission explaining why criminal charges should not be sought. If the special prosecutor or prosecutor fails to take either action required by this subsection, upon request of the commission, a new special prosecutor, who may be the attorney general, shall be appointed. The report may also be referred to the appropriate disciplinary authority over the person who is the subject of the report.

3. When the commission concludes, based on the report from the special investigator or based on an investigation conducted pursuant to section 105.959, that there are reasonable grounds to believe that a violation of any law has occurred which is not a violation of criminal law or that criminal prosecution is not appropriate, the commission shall conduct a hearing which shall be a closed meeting and not open to the public. The hearing shall be conducted pursuant to the procedures provided by sections 536.063 to 536.090 and shall be considered to be a contested case for purposes of such sections. The commission shall determine, in its discretion, whether or not that there is probable cause that a violation has occurred. If the commission determines, by a vote of at least four members of the commission, that probable cause exists that a violation has occurred, the commission may refer its findings and conclusions to the appropriate disciplinary authority over the person who is the subject of the report, as described in subsection 8 of this section.

4. If the appropriate disciplinary authority receiving a report from the commission pursuant to subsection 3 of this section fails to follow, within sixty days of the receipt of the report, the recommendations contained in the report, or if the commission determines, by a vote of at least four members of the commission that some action other than referral for criminal prosecution or for action by the appropriate disciplinary authority would be appropriate, the commission shall take any one or more of the following actions:

(1) Notify the person to cease and desist violation of any provision of law which the report concludes was violated and that the commission may seek judicial enforcement of its decision pursuant to subsection 5 of this section;

(2) Notify the person of the requirement to file, amend or correct any report, statement, or other document or information required by sections 105.473, 105.483 to 105.492, or chapter 130 and that the commission may seek judicial enforcement of its decision pursuant to subsection 5 of this section; and

(3) File the report with the executive director to be maintained as a public document; or

(4) Issue a letter of concern or letter of reprimand to the person, which would be maintained as a public document; or

(5) Issue a letter that no further action shall be taken, which would be maintained as a public document; or

87 (6) Through reconciliation agreements or action of the commission, the
88 power to seek fees for violations in an amount not greater than one thousand
89 dollars or double the amount involved in the violation.

90 5. Upon vote of at least four members, the commission may initiate
91 formal judicial proceedings in the circuit court of Cole County seeking to obtain
92 any of the following orders:

93 (1) Cease and desist violation of any provision of sections 105.450 to
94 105.496, or chapter 130, or sections 105.955 to 105.963;

95 (2) Pay any civil penalties required by sections 105.450 to 105.496 or
96 chapter 130;

97 (3) File any reports, statements, or other documents or information
98 required by sections 105.450 to 105.496, or chapter 130; or

99 (4) Pay restitution for any unjust enrichment the violator obtained as a
100 result of any violation of any criminal statute as described in subsection 7 of this
101 section.

102 6. After the commission determines by a vote of at least four members
103 of the commission that a violation has occurred, other than a referral for criminal
104 prosecution, and the commission has referred the findings and conclusions to the
105 appropriate disciplinary authority over the person who is the subject of the report,
106 or has taken an action under subsection 4 of this section, the subject of the report
107 may appeal the determination of the commission to the circuit court of Cole
108 County. The court shall conduct a de novo review of the determination of the
109 commission. Such appeal shall stay the action of the Missouri ethics
110 commission. Such appeal shall be filed not later than the fourteenth day after the
111 subject of the commission's action receives actual notice of the commission's
112 action. If a petition for judicial review of a final order is not filed as provided in
113 this section or when an order for fees under subsection 4 of this section becomes
114 final following an appeal to the circuit court of Cole County, the commission
115 may file a certified copy of the final order with the circuit court of Cole County.
116 When any order for fees under subsection 4 of this section becomes final, the
117 commission may file a certified copy of the final order with the circuit court of
118 Cole County. The order so filed shall have the same effect as a judgment of the
119 court and may be recorded, enforced, or satisfied in the same manner as a
120 judgment of the court.

121 7. In the proceeding in the circuit court of Cole County, the commission
122 may seek restitution against any person who has obtained unjust enrichment as
123 a result of violation of any provision of sections 105.450 to 105.496, or chapter
124 130 and may recover on behalf of the state or political subdivision with which the
125 alleged violator is associated, damages in the amount of any unjust enrichment
126 obtained and costs and attorney's fees as ordered by the court.

127 8. The appropriate disciplinary authority to whom a report shall be sent
128 pursuant to subsection 2 or 3 of this section shall include, but not be limited to,
129 the following:

130 (1) In the case of a member of the general assembly, the ethics committee
131 of the house of which the subject of the report is a member;

(2) In the case of a person holding an elective office or an appointive office of the state, if the alleged violation is an impeachable offense, the report shall be referred to the ethics committee of the house of representatives;

(3) In the case of a person holding an elective office of a political subdivision, the report shall be referred to the governing body of the political subdivision;

(4) In the case of any officer or employee of the state or of a political subdivision, the report shall be referred to the person who has immediate supervisory authority over the employment by the state or by the political subdivision of the subject of the report;

(5) In the case of a judge of a court of law, the report shall be referred to the commission on retirement, removal and discipline, or if the inquiry involves an employee of the judiciary to the applicable presiding judge;

(6) In the case of a person holding an appointive office of the state, if the alleged violation is not an impeachable offense, the report shall be referred to the governor;

(7) In the case of a statewide elected official, the report shall be referred to the attorney general;

(8) In a case involving the attorney general, the report shall be referred to the prosecuting attorney of Cole County.

9. The special investigator having a complaint referred to the special investigator by the commission shall have the following powers:

(1) To request and shall be given access to information in the possession of any person or agency which the special investigator deems necessary for the discharge of the special investigator's responsibilities;

(2) To examine the records and documents of any person or agency, unless such examination would violate state or federal law providing for confidentiality;

(3) To administer oaths and affirmations;

(4) Upon refusal by any person to comply with a request for information relevant to an investigation, an investigator may issue a subpoena for any person to appear and give testimony, or for a subpoena duces tecum to produce documentary or other evidence which the investigator deems relevant to a matter under the investigator's inquiry. The subpoenas and subpoenas duces tecum may be enforced by applying to a judge of the circuit court of Cole County or any county where the person or entity that has been subpoenaed resides or may be found, for an order to show cause why the subpoena or subpoena duces tecum should not be enforced. The order and a copy of the application therefor shall be served in the same manner as a summons in a civil action, and if, after hearing, the court determines that the subpoena or subpoena duces tecum should be sustained and enforced, the court shall enforce the subpoena or subpoena duces tecum in the same manner as if it had been issued by the court in a civil action; and

(5) To request from the commission such investigative, clerical or other staff assistance or advancement of other expenses which are necessary and convenient for the proper completion of an investigation. Within the limits of

178 appropriations to the commission, the commission may provide such assistance,
179 whether by contract to obtain such assistance or from staff employed by the
180 commission, or may advance such expenses.

181 10. (1) Any retired judge may request in writing to have the judge's name
182 removed from the list of special investigators subject to appointment by the
183 commission or may request to disqualify himself or herself from any
184 investigation. Such request shall include the reasons for seeking removal;

185 (2) By vote of four members of the commission, the commission may
186 disqualify a judge from a particular investigation or may permanently remove the
187 name of any retired judge from the list of special investigators subject to
188 appointment by the commission.

189 11. Any person who is the subject of any investigation pursuant to this
190 section shall be entitled to be represented by counsel at any proceeding before the
191 special investigator or the commission.

192 12. The provisions of sections 105.957, 105.959 and 105.961 are in
193 addition to other provisions of law under which any remedy or right of appeal or
194 objection is provided for any person, or any procedure provided for inquiry or
195 investigation concerning any matter. The provisions of this section shall not be
196 construed to limit or affect any other remedy or right of appeal or objection.

197 13. No person shall be required to make or file a complaint to the
198 commission as a prerequisite for exhausting the person's administrative remedies
199 before pursuing any civil cause of action allowed by law.

200 14. If, in the opinion of the commission, the complaining party was
201 motivated by malice or reason contrary to the spirit of any law on which such
202 complaint was based, in filing the complaint without just cause, this finding shall
203 be reported to appropriate law enforcement authorities. Any person who
204 knowingly files a complaint without just cause, or with malice, is guilty of a class
205 A misdemeanor.

206 15. A respondent party who prevails in a formal judicial action brought
207 by the commission shall be awarded those reasonable fees and expenses incurred
208 by that party in the formal judicial action, unless the court finds that the position
209 of the commission was substantially justified or that special circumstances make
210 such an award unjust.

211 16. The special investigator and members and staff of the commission
212 shall maintain confidentiality with respect to all matters concerning a complaint,
213 with the exception of communications with any person which are necessary to the
214 investigation. Any person who violates the confidentiality requirements imposed
215 by this section or subsection 17 of section 105.955 required to be confidential is
216 guilty of a class A misdemeanor and shall be subject to removal from or
217 termination of employment by the commission.

218 17. Any judge of the court of appeals or circuit court who ceases to hold
219 such office by reason of the judge's retirement and who serves as a special
220 investigator pursuant to this section shall receive annual compensation, salary or
221 retirement for such services at the rates of compensation provided for senior
222 judges by subsections 1, 2 and 4 of section 476.682. Such retired judges shall by
223 the tenth day of each month following any month in which the judge provided

services pursuant to this section certify to the commission and to the state courts administrator the amount of time engaged in such services by hour or fraction thereof, the dates thereof, and the expenses incurred and allowable pursuant to this section. The commission shall then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent, and within limitations, provided for in this section. The state treasurer upon receipt of such warrant shall pay the same out of any appropriations made for this purpose on the last day of the month during which the warrant was received by the state treasurer.]

[105.963. 1. The executive director shall assess every committee, as defined in section 130.011, failing to file with a filing officer other than a local election authority as provided by section 130.026 a campaign disclosure report or statement of limited activity as required by chapter 130, other than the report required pursuant to subdivision (1) of subsection 1 of section 130.046, a late filing fee of fifty dollars for each day after such report is due to the commission, provided that the total amount of such fees assessed under this subsection per report shall not exceed three thousand dollars. The executive director shall send a notice to any candidate and the treasurer of any committee who fails to file such report within seven business days of such failure to file informing such person of such failure and the fees provided by this section.

2. Any committee that fails to file a campaign disclosure report required pursuant to subdivision (1) of subsection 1 of section 130.046, other than a report required to be filed with a local election authority as provided by section 130.026, shall be assessed by the executive director a late filing fee of one hundred dollars for each day that the report is not filed, provided that the total amount of such fees assessed under this subsection per report shall not exceed three thousand dollars. The executive director shall send a notice to any candidate and the treasurer of any committee who fails to file the report described in this subsection within seven business days of such failure to file informing such person of such failure and the fees provided by this section.

3. The executive director shall assess every person required to file a financial interest statement pursuant to sections 105.483 to 105.492 failing to file such a financial interest statement with the commission a late filing fee of ten dollars for each day after such statement is due to the commission. The executive director shall send a notice to any person who fails to file such statement informing the individual required to file of such failure and the fees provided by this section. If the person persists in such failure for a period in excess of thirty days beyond receipt of such notice, the amount of the late filing fee shall increase to one hundred dollars for each day thereafter that the statement is late, provided that the total amount of such fees assessed pursuant to this subsection per statement shall not exceed six thousand dollars.

4. Any person assessed a late filing fee may seek review of such assessment or the amount of late filing fees assessed, at the person's option, by filing a petition within fourteen days after receiving notice of assessment with the circuit court of Cole County.

37 5. The executive director of the Missouri ethics commission shall collect
38 such late filing fees as are provided for in this section. Unpaid late filing fees
39 shall be collected by action filed by the commission. The commission shall
40 contract with the appropriate entity to collect such late filing fees after a
41 thirty-day delinquency. If not collected within one hundred twenty days, the
42 Missouri ethics commission shall file a petition in Cole County circuit court to
43 seek a judgment on said fees. After obtaining a judgment for the unpaid late
44 filing fees, the commission or any entity contracted by the commission may
45 proceed to collect the judgment in any manner authorized by law, including but
46 not limited to garnishment of and execution against the committee's official
47 depository account as set forth in subsection 4 of section 130.021 after a
48 thirty-day delinquency. All late filing fees collected pursuant to this section shall
49 be transmitted to the state treasurer and deposited to the general revenue fund.

50 6. The late filing fees provided by this section shall be in addition to any
51 penalty provided by law for violations of sections 105.483 to 105.492 or chapter
52 130.

53 7. If any lobbyist fails to file a lobbyist report in a timely manner and that
54 lobbyist is assessed a late fee, or if any individual who is required to file a
55 personal financial disclosure statement fails to file such disclosure statement in
56 a timely manner and is assessed a late fee, or if any candidate or the treasurer of
57 any committee fails to file a campaign disclosure report or a statement of limited
58 activity in a timely manner and that candidate or treasurer of any committee who
59 fails to file a disclosure statement in a timely manner and is assessed a late filing
60 fee, the lobbyist, individual, candidate, or the treasurer of any committee may file
61 an appeal of the assessment of the late filing fee with the commission. The
62 commission may forgive the assessment of the late filing fee upon a showing of
63 good cause. Such appeal shall be filed within ten days of the receipt of notice of
64 the assessment of the late filing fee.]
65

2 [105.966. 1. The ethics commission shall complete and make
3 determinations pursuant to subsection 1 of section 105.961 on all complaint
4 investigations within ninety days of initiation.

5 2. Any complaint investigation not completed and decided upon by the
6 ethics commission within the time allowed by this section shall be deemed to not
7 have been a violation.]

2 [130.011. As used in this chapter, unless the context clearly indicates
3 otherwise, the following terms mean:

4 (1) "Appropriate officer" or "appropriate officers", the person or persons
5 designated in section 130.026 to receive certain required statements and reports;

6 (2) "Ballot measure" or "measure", any proposal submitted or intended
7 to be submitted to qualified voters for their approval or rejection, including any
8 proposal submitted by initiative petition, referendum petition, or by the general
9 assembly or any local governmental body having authority to refer proposals to
the voter;

10 (3) "Campaign committee", a committee, other than a candidate
11 committee, which shall be formed by an individual or group of individuals to
12 receive contributions or make expenditures and whose sole purpose is to support
13 or oppose the qualification and passage of one or more particular ballot measures
14 in an election or the retention of judges under the nonpartisan court plan, such
15 committee shall be formed no later than thirty days prior to the election for which
16 the committee receives contributions or makes expenditures, and which shall
17 terminate the later of either thirty days after the general election or upon the
18 satisfaction of all committee debt after the general election, except that no
19 committee retiring debt shall engage in any other activities in support of a
20 measure for which the committee was formed;

21 (4) "Candidate", an individual who seeks nomination or election to public
22 office. The term "candidate" includes an elected officeholder who is the subject
23 of a recall election, an individual who seeks nomination by the individual's
24 political party for election to public office, an individual standing for retention
25 in an election to an office to which the individual was previously appointed, an
26 individual who seeks nomination or election whether or not the specific elective
27 public office to be sought has been finally determined by such individual at the
28 time the individual meets the conditions described in paragraph (a) or (b) of this
29 subdivision, and an individual who is a write-in candidate as defined in
30 subdivision (28) of this section. A candidate shall be deemed to seek nomination
31 or election when the person first:

32 (a) Receives contributions or makes expenditures or reserves space or
33 facilities with intent to promote the person's candidacy for office; or

34 (b) Knows or has reason to know that contributions are being received
35 or expenditures are being made or space or facilities are being reserved with the
36 intent to promote the person's candidacy for office; except that, such individual
37 shall not be deemed a candidate if the person files a statement with the
38 appropriate officer within five days after learning of the receipt of contributions,
39 the making of expenditures, or the reservation of space or facilities disavowing
40 the candidacy and stating that the person will not accept nomination or take office
41 if elected; provided that, if the election at which such individual is supported as
42 a candidate is to take place within five days after the person's learning of the
43 above-specified activities, the individual shall file the statement disavowing the
44 candidacy within one day; or

45 (c) Announces or files a declaration of candidacy for office;

46 (5) "Candidate committee", a committee which shall be formed by a
47 candidate to receive contributions or make expenditures in behalf of the person's
48 candidacy and which shall continue in existence for use by an elected candidate
49 or which shall terminate the later of either thirty days after the general election
50 for a candidate who was not elected or upon the satisfaction of all committee debt
51 after the election, except that no committee retiring debt shall engage in any other
52 activities in support of the candidate for which the committee was formed. Any
53 candidate for elective office shall have only one candidate committee for the
54 elective office sought, which is controlled directly by the candidate for the
55 purpose of making expenditures. A candidate committee is presumed to be under

the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(6) "Cash", currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

(7) "Check", a check drawn on a state or federal bank, or a draft on a negotiable order of withdrawal account in a savings and loan association or a share draft account in a credit union;

(8) "Closing date", the date through which a statement or report is required to be complete;

(9) "Committee", a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee:

(a) "Committee", does not include:

a. A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions;

b. An individual, other than a candidate, who accepts no contributions and who deals only with the individual's own funds or property;

c. A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (11) of this section;

d. A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (11) of this section;

e. A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or

deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record-keeping and reporting requirements of this chapter;

f. Any department, agency, board, institution or other entity of the state or any of its subdivisions or any officer or employee thereof, acting in the person's official capacity;

(b) The term "committee" includes, but is not limited to, each of the following committees: campaign committee, candidate committee, political action committee, exploratory committee, and political party committee;

(10) "Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses;

(11) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. "Contribution" includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee

controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee;

(i) "Contribution" does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(12) "County", any one of the several counties of this state or the city of St. Louis;

(13) "Disclosure report", an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed;

(14) "Election", any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(15) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or

anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value. "Expenditure" includes, but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee;

(d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee; but

(e) "Expenditure" does not include:

a. Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

b. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051;

c. Repayment of a loan, but such repayment shall be indicated in required reports;

d. The rendering of voluntary personal services by an individual of the sort commonly performed by volunteer campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

e. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

f. The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source;

239 (16) "Exploratory committees", a committee which shall be formed by
240 an individual to receive contributions and make expenditures on behalf of this
241 individual in determining whether or not the individual seeks elective office.
242 Such committee shall terminate no later than December thirty-first of the year
243 prior to the general election for the possible office;

244 (17) "Fund-raising event", an event such as a dinner, luncheon, reception,
245 coffee, testimonial, rally, auction or similar affair through which contributions are
246 solicited or received by such means as the purchase of tickets, payment of
247 attendance fees, donations for prizes or through the purchase of goods, services
248 or political merchandise;

249 (18) "In-kind contribution" or "in-kind expenditure", a contribution or
250 expenditure in a form other than money;

251 (19) "Labor organization", any organization of any kind, or any agency
252 or employee representation committee or plan, in which employees participate
253 and which exists for the purpose, in whole or in part, of dealing with employers
254 concerning grievances, labor disputes, wages, rates of pay, hours of employment,
255 or conditions of work;

256 (20) "Loan", a transfer of money, property or anything of ascertainable
257 monetary value in exchange for an obligation, conditional or not, to repay in
258 whole or in part and which was contracted, used, or intended for use in an
259 election campaign, or which was made or received by a committee or which was
260 contracted, used, or intended to pay previously incurred campaign debts or
261 obligations of a candidate or the debts or obligations of a committee;

262 (21) "Person", an individual, group of individuals, corporation,
263 partnership, committee, proprietorship, joint venture, any department, agency,
264 board, institution or other entity of the state or any of its political subdivisions,
265 union, labor organization, trade or professional or business association,
266 association, political party or any executive committee thereof, or any other club
267 or organization however constituted or any officer or employee of such entity
268 acting in the person's official capacity;

269 (22) "Political action committee", a committee of continuing existence
270 which is not formed, controlled or directed by a candidate, and is a committee
271 other than a candidate committee, political party committee, campaign
272 committee, exploratory committee, or debt service committee, whose primary or
273 incidental purpose is to receive contributions or make expenditures to influence
274 or attempt to influence the action of voters whether or not a particular candidate
275 or candidates or a particular ballot measure or measures to be supported or
276 opposed has been determined at the time the committee is required to file any
277 statement or report pursuant to the provisions of this chapter. Such a committee
278 includes, but is not limited to, any committee organized or sponsored by a
279 business entity, a labor organization, a professional association, a trade or
280 business association, a club or other organization and whose primary purpose is
281 to solicit, accept and use contributions from the members, employees or
282 stockholders of such entity and any individual or group of individuals who accept
283 and use contributions to influence or attempt to influence the action of voters.

Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures;

(23) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

(24) "Political party", a political party which has the right under law to have the names of its candidates listed on the ballot in a general election;

(25) "Political party committee", a committee of a political party which may be organized as a not-for-profit corporation under Missouri law and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party. Political party committees shall only take the following forms:

(a) One congressional district committee per political party for each congressional district in the state; and

(b) One state party committee per political party;

(26) "Public office" or "office", any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters;

(27) "Regular session", includes that period beginning on the first Wednesday after the first Monday in January and ending following the first Friday after the second Monday in May;

(28) "Write-in candidate", an individual whose name is not printed on the ballot but who otherwise meets the definition of candidate in subdivision (4) of this section.]

[130.021. 1. Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state. A committee may also have a deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and serve in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform the treasurer's duties.

2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every candidate for offices listed in subsection 6 of section 130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this chapter shall prevent a candidate from appointing himself or herself as a committee of one and serving as the person's own treasurer, maintaining the candidate's own

20 records and filing all the reports and statements required to be filed by the
21 treasurer of a candidate committee.

22 3. A candidate who has more than one candidate committee supporting
23 the person's candidacy shall designate one of those candidate committees as the
24 committee responsible for consolidating the aggregate contributions to all such
25 committees under the candidate's control and direction as required by section
26 130.041. No person shall form a new committee or serve as a deputy treasurer
27 of any committee as defined in section 130.011 until the person or the treasurer
28 of any committee previously formed by the person or where the person served as
29 treasurer or deputy treasurer has filed all required campaign disclosure reports
30 and statements of limited activity for all prior elections and paid outstanding
31 previously imposed fees assessed against that person by the ethics commission.

32 4. (1) Every committee shall have a single official fund depository
33 within this state which shall be a federally or state-chartered bank, a federally or
34 state-chartered savings and loan association, or a federally or state-chartered
35 credit union in which the committee shall open and thereafter maintain at least
36 one official depository account in its own name. An "official depository account"
37 shall be a checking account or some type of negotiable draft or negotiable order
38 of withdrawal account, and the official fund depository shall, regarding an
39 official depository account, be a type of financial institution which provides a
40 record of deposits, canceled checks or other canceled instruments of withdrawal
41 evidencing each transaction by maintaining copies within this state of such
42 instruments and other transactions. All contributions which the committee
43 receives in money, checks and other negotiable instruments shall be deposited in
44 a committee's official depository account. Contributions shall not be accepted
45 and expenditures shall not be made by a committee except by or through an
46 official depository account and the committee treasurer, deputy treasurer or
47 candidate. Contributions received by a committee shall not be commingled with
48 any funds of an agent of the committee, a candidate or any other person, except
49 that contributions from a candidate of the candidate's own funds to the person's
50 candidate committee shall be deposited to an official depository account of the
51 person's candidate committee. No expenditure shall be made by a committee
52 when the office of committee treasurer is vacant except that when the office of
53 a candidate committee treasurer is vacant, the candidate shall be the treasurer
54 until the candidate appoints a new treasurer.

55 (2) A committee treasurer, deputy treasurer or candidate may withdraw
56 funds from a committee's official depository account and deposit such funds in
57 one or more savings accounts in the committee's name in any bank, savings and
58 loan association or credit union within this state, and may also withdraw funds
59 from an official depository account for investment in the committee's name in any
60 certificate of deposit, bond or security. Proceeds from interest or dividends from
61 a savings account or other investment or proceeds from withdrawals from a
62 savings account or from the sale of an investment shall not be expended or
63 reinvested, except in the case of renewals of certificates of deposit, without first
64 redepositing such proceeds in an official depository account. Investments, other
65 than savings accounts, held outside the committee's official depository account

at any time during a reporting period shall be disclosed by description, amount, any identifying numbers and the name and address of any institution or person in which or through which it is held in an attachment to disclosure reports the committee is required to file. Proceeds from an investment such as interest or dividends or proceeds from its sale, shall be reported by date and amount. In the case of the sale of an investment, the names and addresses of the persons involved in the transaction shall also be stated. Funds held in savings accounts and investments, including interest earned, shall be included in the report of money on hand as required by section 130.041.

5. The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046. The statement of organization shall contain the following information:

(1) The name, mailing address and telephone number, if any, of the committee filing the statement of organization. If the committee is deemed to be affiliated with a connected organization as provided in subdivision (10) of section 130.011, the name of the connected organization, or a legally registered fictitious name which reasonably identifies the connected organization, shall appear in the name of the committee. If the committee is a candidate committee, the name of the candidate shall be a part of the committee's name;

(2) The name, mailing address and telephone number of the candidate;

(3) The name, mailing address and telephone number of the committee treasurer, and the name, mailing address and telephone number of its deputy treasurer if the committee has named a deputy treasurer;

(4) The names, mailing addresses and titles of its officers, if any;

(5) The name and mailing address of any connected organizations with which the committee is affiliated;

(6) The name and mailing address of its depository, and the name and account number of each account the committee has in the depository. The account number of each account shall be redacted prior to disclosing the statement to the public;

(7) Identification of the major nature of the committee such as a candidate committee, campaign committee, political action committee, political party committee, incumbent committee, or any other committee according to the definition of committee in section 130.011;

(8) In the case of the candidate committee designated in subsection 3 of this section, the full name and address of each other candidate committee which is under the control and direction of the same candidate, together with the name, address and telephone number of the treasurer of each such other committee;

(9) The name and office sought of each candidate supported or opposed by the committee;

111 (10) The ballot measure concerned, if any, and whether the committee
112 is in favor of or opposed to such measure.

113 6. A committee may omit the information required in subdivisions (9)
114 and (10) of subsection 5 of this section if, on the date on which it is required to
115 file a statement of organization, the committee has not yet determined the
116 particular candidates or particular ballot measures it will support or oppose.

117 7. A committee which has filed a statement of organization and has not
118 terminated shall not be required to file another statement of organization, except
119 that when there is a change in any of the information previously reported as
120 required by subdivisions (1) to (8) of subsection 5 of this section an amended
121 statement of organization shall be filed within twenty days after the change
122 occurs, but no later than the date of the filing of the next report required to be
123 filed by that committee by section 130.046.

124 8. Upon termination of a committee, a termination statement indicating
125 dissolution shall be filed not later than ten days after the date of dissolution with
126 the appropriate officer or officers with whom the committee's statement of
127 organization was filed. The termination statement shall include: the distribution
128 made of any remaining surplus funds and the disposition of any deficits; and the
129 name, mailing address and telephone number of the individual responsible for
130 preserving the committee's records and accounts as required in section 130.036.

131 9. Any statement required by this section shall be signed and attested by
132 the committee treasurer or deputy treasurer, and by the candidate in the case of
133 a candidate committee.

134 10. A committee domiciled outside this state shall be required to file a
135 statement of organization and appoint a treasurer residing in this state and open
136 an account in a depository within this state; provided that either of the following
137 conditions prevails:

138 (1) The aggregate of all contributions received from persons domiciled
139 in this state exceeds twenty percent in total dollar amount of all funds received
140 by the committee in the preceding twelve months; or

141 (2) The aggregate of all contributions and expenditures made to support
142 or oppose candidates and ballot measures in this state exceeds one thousand five
143 hundred dollars in the current calendar year.

144 11. If a committee domiciled in this state receives a contribution of one
145 thousand five hundred dollars or more from any committee domiciled outside of
146 this state, the committee domiciled in this state shall file a disclosure report with
147 the commission. The report shall disclose the full name, mailing address,
148 telephone numbers and domicile of the contributing committee and the date and
149 amount of the contribution. The report shall be filed within forty-eight hours of
150 the receipt of such contribution if the contribution is received after the last
151 reporting date before the election.]

152 [130.031. 1. No contribution of cash in an amount of more than one
2 hundred dollars shall be made by or accepted from any single contributor for any
3 election by a political action committee, a campaign committee, a political party
4 committee, an exploratory committee or a candidate committee.

5 2. Except for expenditures from a petty cash fund which is established
6 and maintained by withdrawals of funds from the committee's depository account
7 and with records maintained pursuant to the record-keeping requirements of
8 section 130.036 to account for expenditures made from petty cash, each
9 expenditure of more than fifty dollars, except an in-kind expenditure, shall be
10 made by check drawn on the committee's depository and signed by the committee
11 treasurer, deputy treasurer or candidate. A single expenditure from a petty cash
12 fund shall not exceed fifty dollars, and the aggregate of all expenditures from a
13 petty cash fund during a calendar year shall not exceed the lesser of five thousand
14 dollars or ten percent of all expenditures made by the committee during that
15 calendar year. A check made payable to "cash" shall not be made except to
16 replenish a petty cash fund.

17 3. No contribution shall be made or accepted and no expenditure shall be
18 made or incurred, directly or indirectly, in a fictitious name, in the name of
19 another person, or by or through another person in such a manner as to conceal
20 the identity of the actual source of the contribution or the actual recipient and
21 purpose of the expenditure. Any person who receives contributions for a
22 committee shall disclose to that committee's treasurer, deputy treasurer or
23 candidate the recipient's own name and address and the name and address of the
24 actual source of each contribution such person has received for that committee.
25 Any person who makes expenditures for a committee shall disclose to that
26 committee's treasurer, deputy treasurer or candidate such person's own name and
27 address, the name and address of each person to whom an expenditure has been
28 made and the amount and purpose of the expenditures the person has made for
29 that committee.

30 4. No anonymous contribution of more than twenty-five dollars shall be
31 made by any person, and no anonymous contribution of more than twenty-five
32 dollars shall be accepted by any candidate or committee. If any anonymous
33 contribution of more than twenty-five dollars is received, it shall be returned
34 immediately to the contributor, if the contributor's identity can be ascertained,
35 and if the contributor's identity cannot be ascertained, the candidate, committee
36 treasurer or deputy treasurer shall immediately transmit that portion of the
37 contribution which exceeds twenty-five dollars to the state treasurer and it shall
38 escheat to the state.

39 5. The maximum aggregate amount of anonymous contributions which
40 shall be accepted in any calendar year by any committee shall be the greater of
41 five hundred dollars or one percent of the aggregate amount of all contributions
42 received by that committee in the same calendar year. If any anonymous
43 contribution is received which causes the aggregate total of anonymous
44 contributions to exceed the foregoing limitation, it shall be returned immediately
45 to the contributor, if the contributor's identity can be ascertained, and, if the
46 contributor's identity cannot be ascertained, the committee treasurer, deputy
47 treasurer or candidate shall immediately transmit the anonymous contribution to
48 the state treasurer to escheat to the state.

49 6. Notwithstanding the provisions of subsection 5 of this section,
50 contributions from individuals whose names and addresses cannot be ascertained

51 which are received from a fund-raising activity or event, such as defined in
52 section 130.011, shall not be deemed anonymous contributions, provided the
53 following conditions are met:

54 (1) There are twenty-five or more contributing participants in the activity
55 or event;

56 (2) The candidate, committee treasurer, deputy treasurer or the person
57 responsible for conducting the activity or event makes an announcement that it
58 is illegal for anyone to make or receive a contribution in excess of one hundred
59 dollars unless the contribution is accompanied by the name and address of the
60 contributor;

61 (3) The person responsible for conducting the activity or event does not
62 knowingly accept payment from any single person of more than one hundred
63 dollars unless the name and address of the person making such payment is
64 obtained and recorded pursuant to the record-keeping requirements of section
65 130.036;

66 (4) A statement describing the event shall be prepared by the candidate
67 or the treasurer of the committee for whom the funds were raised or by the person
68 responsible for conducting the activity or event and attached to the disclosure
69 report of contributions and expenditures required by section 130.041. The
70 following information to be listed in the statement is in addition to, not in lieu of,
71 the requirements elsewhere in this chapter relating to the recording and reporting
72 of contributions and expenditures:

73 (a) The name and mailing address of the person or persons responsible
74 for conducting the event or activity and the name and address of the candidate or
75 committee for whom the funds were raised;

76 (b) The date on which the event occurred;

77 (c) The name and address of the location where the event occurred and
78 the approximate number of participants in the event;

79 (d) A brief description of the type of event and the fund-raising methods
80 used;

81 (e) The gross receipts from the event and a listing of the expenditures
82 incident to the event;

83 (f) The total dollar amount of contributions received from the event from
84 participants whose names and addresses were not obtained with such
85 contributions and an explanation of why it was not possible to obtain the names
86 and addresses of such participants;

87 (g) The total dollar amount of contributions received from contributing
88 participants in the event who are identified by name and address in the records
89 required to be maintained pursuant to section 130.036.

90 7. No candidate or committee in this state shall accept contributions from
91 any out-of-state committee unless the out-of-state committee from whom the
92 contributions are received has filed a statement of organization pursuant to
93 section 130.021 or has filed the reports required by sections 130.049 and
94 130.050, whichever is applicable to that committee.

95 8. Any person publishing, circulating, or distributing any printed matter
96 relative to any candidate for public office or any ballot measure shall on the face

of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but "printed matter" is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (9) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter it shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection.

141 9. Any broadcast station transmitting any matter relative to any candidate
142 for public office or ballot measure as defined by this chapter shall identify the
143 sponsor of such matter as required by federal law.

144 10. The provisions of subsection 8 or 9 of this section shall not apply to
145 candidates for elective federal office, provided that persons causing matter to be
146 printed or broadcast concerning such candidacies shall comply with the
147 requirements of federal law for identification of the sponsor or sponsors.

148 11. It shall be a violation of this chapter for any person required to be
149 identified as paying for printed matter pursuant to subsection 8 of this section or
150 paying for broadcast matter pursuant to subsection 9 of this section to refuse to
151 provide the information required or to purposely provide false, misleading, or
152 incomplete information.

153 12. It shall be a violation of this chapter for any committee to offer
154 chances to win prizes or money to persons to encourage such persons to endorse,
155 send election material by mail, deliver election material in person or contact
156 persons at their homes; except that, the provisions of this subsection shall not be
157 construed to prohibit hiring and paying a campaign staff.

158 13. Political action committees shall only receive contributions from
159 individuals; unions; federal political action committees; and corporations,
160 associations, and partnerships formed under chapters 347 to 360, and shall be
161 prohibited from receiving contributions from other political action committees,
162 candidate committees, political party committees, campaign committees,
163 exploratory committees, or debt service committees. However, candidate
164 committees, political party committees, campaign committees, exploratory
165 committees, and debt service committees shall be allowed to return contributions
166 to a donor political action committee that is the origin of the contribution.

167 14. The prohibited committee transfers described in subsection 13 of this
168 section shall not apply to the following committees:

169 (1) The state house committee per political party designated by the
170 respective majority or minority floor leader of the house of representatives or the
171 chair of the state party if the party does not have majority or minority party status;

172 (2) The state senate committee per political party designated by the
173 respective majority or minority floor leader of the senate or the chair of the state
174 party if the party does not have majority or minority party status.

175 15. No person shall transfer anything of value to any committee with the
176 intent to conceal, from the ethics commission, the identity of the actual source.
177 Any violation of this subsection shall be punishable as follows:

178 (1) For the first violation, the ethics commission shall notify such person
179 that the transfer to the committee is prohibited under this section within five days
180 of determining that the transfer is prohibited, and that such person shall notify the
181 committee to which the funds were transferred that the funds must be returned
182 within ten days of such notification;

183 (2) For the second violation, the person transferring the funds shall be
184 guilty of a class C misdemeanor;

185 (3) For the third and subsequent violations, the person transferring the
186 funds shall be guilty of a class D felony.

187 16. Beginning January 1, 2011, all committees required to file campaign
188 financial disclosure reports with the Missouri ethics commission shall file any
189 required disclosure report in an electronic format as prescribed by the ethics
190 commission.]
191

2 [130.041. 1. Except as provided in subsection 5 of section 130.016, the
3 candidate, if applicable, treasurer or deputy treasurer of every committee which
4 is required to file a statement of organization, shall file a legibly printed or typed
5 disclosure report of receipts and expenditures. The reports shall be filed with the
6 appropriate officer designated in section 130.026 at the times and for the periods
7 prescribed in section 130.046. Except as provided in sections 130.049 and
8 130.050, each report shall set forth:

9 (1) The full name, as required in the statement of organization pursuant
10 to subsection 5 of section 130.021, and mailing address of the committee filing
11 the report and the full name, mailing address and telephone number of the
12 committee's treasurer and deputy treasurer if the committee has named a deputy
13 treasurer;

14 (2) The amount of money, including cash on hand at the beginning of the
15 reporting period;

16 (3) Receipts for the period, including:

17 (a) Total amount of all monetary contributions received which can be
18 identified in the committee's records by name and address of each contributor.
19 In addition, the candidate committee shall make a reasonable effort to obtain and
20 report the employer, or occupation if self-employed or notation of retirement, of
21 each person from whom the committee received one or more contributions which
22 in the aggregate total in excess of one hundred dollars and shall make a
23 reasonable effort to obtain and report a description of any contractual relationship
24 over five hundred dollars between the contributor and the state if the candidate
25 is seeking election to a state office or between the contributor and any political
26 subdivision of the state if the candidate is seeking election to another political
27 subdivision of the state;

28 (b) Total amount of all anonymous contributions accepted;

29 (c) Total amount of all monetary contributions received through
30 fund-raising events or activities from participants whose names and addresses
31 were not obtained with such contributions, with an attached statement or copy of
32 the statement describing each fund-raising event as required in subsection 6 of
33 section 130.031;

34 (d) Total dollar value of all in-kind contributions received;

35 (e) A separate listing by name and address and employer, or occupation
36 if self-employed or notation of retirement, of each person from whom the
37 committee received contributions, in money or any other thing of value,
38 aggregating more than one hundred dollars, together with the date and amount of
39 each such contribution;

40 (f) A listing of each loan received by name and address of the lender and
41 date and amount of the loan. For each loan of more than one hundred dollars, a
separate statement shall be attached setting forth the name and address of the

lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan;

(4) Expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

(b) The total dollar amount of expenditures made in cash;

(c) The total dollar value of all in-kind expenditures made;

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

(e) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date;

(5) The total amount of cash on hand as of the closing date of the reporting period covered, including amounts in depository accounts and in petty cash fund;

(6) The total amount of outstanding indebtedness as of the closing date of the reporting period covered;

(7) The amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought. For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and political action committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures; however, all such expenditures shall be listed pursuant to subdivision (4) of this subsection;

(8) A separate listing by full name and address of any committee including a candidate committee controlled by the same candidate for which a transfer of funds or a contribution in any amount has been made during the reporting period, together with the date and amount of each such transfer or contribution;

(9) A separate listing by full name and address of any committee, including a candidate committee controlled by the same candidate from which a transfer of funds or a contribution in any amount has been received during the reporting period, together with the date and amount of each such transfer or contribution;

(10) Each committee that receives a contribution which is restricted or designated in whole or in part by the contributor for transfer to a particular candidate, committee or other person shall include a statement of the name and address of that contributor in the next disclosure report required to be filed after receipt of such contribution, together with the date and amount of any such contribution which was so restricted or designated by that contributor, together with the name of the particular candidate or committee to whom such contribution was so designated or restricted by that contributor and the date and amount of such contribution.

2. For the purpose of this section and any other section in this chapter except sections 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified amount, the aggregate amount shall be computed by adding all contributions received from any one person during the following periods:

(1) In the case of a candidate committee, the period shall begin on the date on which the candidate became a candidate according to the definition of the term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an election or at 11:59 p.m. on the day of the general election. If the candidate has a general election held after a primary election, the next aggregating period shall begin at 12:00 midnight on the day after the primary election day and shall close at 11:59 p.m. on the day of the general election. Except that for contributions received during the thirty-day period immediately following a primary election, the candidate shall designate whether such contribution is received as a primary election contribution or a general election contribution;

(2) In the case of a campaign committee, the period shall begin on the date the committee received its first contribution and end on the closing date for the period for which the report or statement is required;

(3) In the case of a political party committee or a political action committee, the period shall begin on the first day of January of the year in which the report or statement is being filed and end on the closing date for the period for which the report or statement is required; except, if the report or statement is required to be filed prior to the first day of July in any given year, the period shall begin on the first day of July of the preceding year.

3. The disclosure report shall be signed and attested by the committee treasurer or deputy treasurer and by the candidate in case of a candidate committee.

4. The words "consulting or consulting services, fees, or expenses", or similar words, shall not be used to describe the purpose of a payment as required in this section. The reporting of any payment to such an independent contractor shall be on a form supplied by the appropriate officer, established by the ethics commission and shall include identification of the specific service or services provided including, but not limited to, public opinion polling, research on issues or opposition background, print or broadcast media production, print or broadcast media purchase, computer programming or data entry, direct mail production,

postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for each service.]

[130.044. 1. All individuals and committees required to file disclosure reports under section 130.041 shall electronically report any contribution by any single contributor which exceeds five thousand dollars to the Missouri ethics commission within forty-eight hours of receiving the contribution.

2. Any individual currently holding office as a state representative, state senator, or any candidate for such office or such individual's campaign committee shall electronically report any contribution exceeding five hundred dollars made by any contributor to his or her campaign committee during the regular legislative session of the general assembly, within forty-eight hours of receiving the contribution.

3. Any individual currently holding office as the governor, lieutenant governor, treasurer, attorney general, secretary of state or auditor or any candidate for such office or such person's campaign committee shall electronically report any contribution exceeding five hundred dollars made by any contributor to his or her campaign committee during the regular legislative session or any time when legislation from the regular legislative session awaits gubernatorial action, within forty-eight hours of receiving the contribution.

4. Reports required under this section shall contain the same content required under section 130.041 and shall be filed in accordance with the standards established by the commission for electronic filing and other rules the commission may deem necessary to promulgate for the effective administration of this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.]

[130.046. 1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate

13 takes office, and such report shall be for the period closing on the day before
14 taking office; and

15 (3) Not later than the fifteenth day following the close of each calendar
16 quarter. Notwithstanding the provisions of this subsection, if any committee
17 accepts contributions or makes expenditures in support of or in opposition to a
18 ballot measure or a candidate, and the report required by this subsection for the
19 most recent calendar quarter is filed prior to the fortieth day before the election
20 on the measure or candidate, the committee shall file an additional disclosure
21 report not later than the fortieth day before the election for the period closing on
22 the forty-fifth day before the election.

23 2. In the case of a ballot measure to be qualified to be on the ballot by
24 initiative petition or referendum petition, or a recall petition seeking to remove
25 an incumbent from office, disclosure reports relating to the time for filing such
26 petitions shall be made as follows:

27 (1) In addition to the disclosure reports required to be filed pursuant to
28 subsection 1 of this section the treasurer of a committee, other than a political
29 action committee, supporting or opposing a petition effort to qualify a measure
30 to appear on the ballot or to remove an incumbent from office shall file an initial
31 disclosure report fifteen days after the committee begins the process of raising or
32 spending money. After such initial report, the committee shall file quarterly
33 disclosure reports as required by subdivision (3) of subsection 1 of this section
34 until such time as the reports required by subdivisions (1) and (2) of subsection
35 1 of this section are to be filed. In addition the committee shall file a second
36 disclosure report no later than the fifteenth day after the deadline date for
37 submitting such petition. The period covered in the initial report shall begin on
38 the day the committee first accepted contributions or made expenditures to
39 support or oppose the petition effort for qualification of the measure and shall
40 close on the fifth day prior to the date of the report;

41 (2) If the measure has qualified to be on the ballot in an election and if
42 a committee subject to the requirements of subdivision (1) of this subsection is
43 also required to file a preelection disclosure report for such election any time
44 within thirty days after the date on which disclosure reports are required to be
45 filed in accordance with subdivision (1) of this subsection, the treasurer of such
46 committee shall not be required to file the report required by subdivision (1) of
47 this subsection, but shall include in the committee's preelection report all
48 information which would otherwise have been required by subdivision (1) of this
49 subsection.

50 3. The candidate, if applicable, treasurer or deputy treasurer of a
51 committee shall file disclosure reports pursuant to this section, except for any
52 calendar quarter in which the contributions received by the committee or the
53 expenditures or contributions made by the committee do not exceed five hundred
54 dollars. The reporting dates and periods covered for such quarterly reports shall
55 not be later than the fifteenth day of January, April, July and October for periods
56 closing on the thirty-first day of December, the thirty-first day of March, the
57 thirtieth day of June and the thirtieth day of September. No candidate, treasurer
58 or deputy treasurer shall be required to file the quarterly disclosure report

required not later than the fifteenth day of any January immediately following a November election, provided that such candidate, treasurer or deputy treasurer shall file the information required on such quarterly report on the quarterly report to be filed not later than the fifteenth day of April immediately following such November election. Each report by such committee shall be cumulative from the date of the last report. In the case of the political action committee's first report, the report shall be cumulative from the date of the political action committee's organization. Every candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this section. A political action committee shall submit additional reports if it makes aggregate expenditures, other than contributions to a committee, of five hundred dollars or more, within the reporting period at the following times for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election;

(2) Not later than twenty-four hours after aggregate expenditures of two hundred fifty dollars or more are made after the twelfth day before the election; and

(3) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election.

4. The reports required to be filed no later than the thirtieth day after an election and any subsequently required report shall be cumulative so as to reflect the total receipts and disbursements of the reporting committee for the entire election campaign in question. The period covered by each disclosure report shall begin on the day after the closing date of the most recent disclosure report filed and end on the closing date for the period covered. If the committee has not previously filed a disclosure report, the period covered begins on the date the committee was formed; except that in the case of a candidate committee, the period covered begins on the date the candidate became a candidate according to the definition of the term candidate in section 130.011.

5. Notwithstanding any other provisions of this chapter to the contrary:

(1) Certain disclosure reports pertaining to any candidate who receives nomination in a primary election and thereby seeks election in the immediately succeeding general election shall not be required in the following cases:

(a) If there are less than fifty days between a primary election and the immediately succeeding general election, the disclosure report required to be filed quarterly; provided that, any other report required to be filed prior to the primary election and all other reports required to be filed not later than the eighth day before the general election are filed no later than the final dates for filing such reports;

(b) If there are less than eighty-five days between a primary election and the immediately succeeding general election, the disclosure report required to be filed not later than the thirtieth day after the primary election need not be filed; provided that any report required to be filed prior to the primary election and any

other report required to be filed prior to the general election are filed no later than the final dates for filing such reports; and

(2) No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than three hundred dollars from any single contributor and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period. Any contributions received or expenditures made which are not reported because this statement is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the committee. This statement shall not be filed in lieu of the report for two or more consecutive disclosure periods if either the contributions received or expenditures made in the aggregate during those reporting periods exceed five hundred dollars. This statement shall not be filed, in lieu of the report, later than the thirtieth day after an election if that report would show a deficit of more than one thousand dollars.

6. (1) If the disclosure report required to be filed by a committee not later than the thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with the appropriate officer for each succeeding semiannual period until the deficit is reported in a disclosure report as being reduced to five thousand dollars or less; except that, a supplemental semiannual report shall not be required for any semiannual period which includes the closing date for the reporting period covered in any regular disclosure report which the committee is required to file in connection with an election. The reporting dates and periods covered for semiannual reports shall be not later than the fifteenth day of January and July for periods closing on the thirty-first day of December and the thirtieth day of June.

(2) Committees required to file reports pursuant to subsection 2 or 3 of this section which are not otherwise required to file disclosure reports for an election shall file semiannual reports as required by this subsection if their last required disclosure report shows a total of unpaid loans and other outstanding obligations in excess of five thousand dollars.

7. In the case of a committee which disbands and is required to file a termination statement pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m. prevailing local time of the day designated for the filing of the report and a report postmarked not later than midnight of the day previous to the day designated for filing the report shall be deemed to have been filed in a timely

manner. The appropriate officer may establish a policy whereby disclosure reports may be filed by facsimile transmission.

9. Each candidate for the office of state representative, state senator, and for statewide elected office shall file all disclosure reports described in section 130.041 electronically with the Missouri ethics commission. The Missouri ethics commission shall promulgate rules establishing the standard for electronic filings with the commission and shall propose such rules for the importation of files to the reporting program.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.]

[130.057. 1. In order for candidates for election and public officials to more easily file reports required by law and to access information contained in such reports, and for the Missouri ethics commission to receive and store reports in an efficient and economical method, and for the general public and news media to access information contained in such reports, the commission shall establish and maintain an electronic reporting system pursuant to this section.

2. The ethics commission may establish for elections in 1996 and shall establish for elections and all required reporting beginning in 1998 and maintain thereafter a state campaign finance and financial interest disclosure electronic reporting system pursuant to this section for all candidates required to file. The system may be used for the collection, filing and dissemination of all reports, including monthly lobbying reports filed by law, and all reports filed with the commission pursuant to this chapter and chapter 105. The system may be established and used for all reports required to be filed for the primary and general elections in 1996 and all elections thereafter, except that the system may require maintenance of a paper backup system for the primary and general elections in 1996. The reports shall be maintained and secured in the electronic format by the commission.

3. When the commission determines that the electronic reporting system has been properly implemented, the commission shall certify to all candidates and committees required to file pursuant to this chapter that such electronic reporting system has been established and implemented. Beginning with the primary and general elections in 2000, or the next primary or general election in which the commission has made certification pursuant to this subsection, whichever is later, candidates and all other committees shall file reports by using either the electronic format prescribed by the commission or paper forms provided by the commission for that purpose. Political action committees shall file reports by electronic format prescribed by the commission, except political action

committees which make contributions equal to or less than fifteen thousand dollars in the applicable calendar year. Any political action committee which makes contributions in support of or opposition to any measure or candidate equal to or less than fifteen thousand dollars in the applicable calendar year shall file reports on paper forms provided by the commission for that purpose or by electronic format prescribed by the commission, whichever reporting method the political action committee chooses. The commission shall supply a computer program which shall be used for filing by modem or by a common magnetic media chosen by the commission. In the event that filings are performed electronically, the candidate shall file a signed original written copy within five working days; except that, if a means becomes available which will allow a verifiable electronic signature, the commission may also accept this in lieu of a written statement.

4. Beginning January 1, 2000, or on the date the commission makes the certification pursuant to subsection 3 of this section, whichever is later, all reports filed with the commission by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic format as prescribed by the commission; provided however, that if a candidate for statewide office, or such candidate's committee receives or spends five thousand dollars or less for any reporting period, the report for that reporting period shall not be required to be filed electronically.

5. A copy of all reports filed in the state campaign finance electronic reporting system shall be placed on a public electronic access system so that the general public may have open access to the reports filed pursuant to this section. The access system shall be organized and maintained in such a manner to allow an individual to obtain information concerning all contributions made to or on behalf of, and all expenditures made on behalf of, any public official described in subsection 2 of this section in formats that will include both written and electronically readable formats.

6. All records that are in electronic format, not otherwise closed by law, shall be available in electronic format to the public. The commission shall maintain and provide for public inspection, a listing of all reports with a complete description for each field contained on the report, that has been used to extract information from their database files. The commission shall develop a report or reports which contain every field in each database.

7. Annually, the commission shall provide, without cost, a system-wide dump of information contained in the commission's electronic database files to the general assembly. The information is to be copied onto a medium specified by the general assembly. Such information shall not contain records otherwise closed by law. It is the intent of the general assembly to provide open access to the commission's records. The commission shall make every reasonable effort to comply with requests for information and shall take a liberal interpretation when considering such requests.]

[130.071. 1. If a successful candidate, or the treasurer of his candidate committee, or the successful candidate who also has served as a treasurer or

3 deputy treasurer of any committee defined by section 130.011 fails to file the
4 reports which are required by this chapter, the candidate shall not take office until
5 such reports are filed and all fees assessed by the commission are paid.

6 2. In addition to any other penalties provided by law, no person may file
7 for any office in a subsequent election until he or the treasurer of his existing
8 candidate or any committee defined by section 130.011 in which he is a treasurer
9 or deputy treasurer has filed all required campaign disclosure reports for all prior
10 elections and paid all fees assessed by the commission.]
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Section B. The provisions of section A of this act shall become effective on January 1,
2 2013.

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